



# 1998

# *Illinois Register*

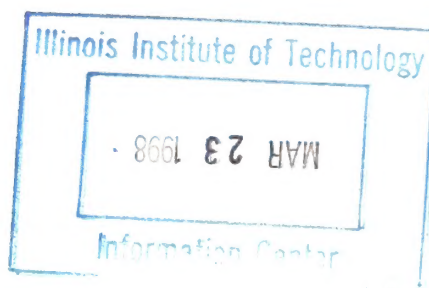
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## Rules of Governmental Agencies

Volume 22, Issue 12—March 20, 1998

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## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Procedures Applicable to All Agencies

2) Code Citation: 44 Ill. Adm. Code 750

3) Section Number:  
750.5  
750.210  
Proposed Action:  
Amendment  
Amendment

4) Authority: Implementing Sections 2-105(A) and 7-101(A) and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A) and 7-101(A)].

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments clarify the Department's rules and enable the Department to maintain a more accurate and current database of public contractors by requiring periodic re-registration, setting a definite term for a contractor's eligibility, and facilitating the removal of defunct and inactive registrants. The proposed amendments will not take effect until at least July 1, 1998, when the Illinois Procurement Code takes effect.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does the rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Do these proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments would not require a local government to establish, expand, or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit comments to:

David T. Rothal  
Staff Attorney  
Illinois Department of Human Rights  
100 West Randolph Street  
Suite 10-100  
Chicago, IL 60601  
312-814-6242  
T.D.D.: 312-263-1579

Comments must be in writing and filed within 45 days after the date of this issue of the *Illinois Register*. If, because of physical disability,

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

you are unable to put comments in writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small business affected: Any small business which is a public contractor or eligible bidder.

B) Reporting, bookkeeping or other procedures required for compliance: Although there are no bookkeeping procedures required, the regulations provide procedures for public contractors to report to the Department in order to comply with the Illinois Human Rights Act.

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND  
PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

## PART 750

## PROCEDURES APPLICABLE TO ALL AGENCIES

## SUBPART A: DEFINITIONS

Section  
750.5 Definitions of Terms

## SUBPART B: EQUAL OPPORTUNITY CLAUSE

Section  
750.10 Clause to be Included in All Contracts  
750.20 Incorporation by Operation of the Regulation  
750.30 Subcontracts  
750.40 Contracts or Subcontracts with Religious Entities

## SUBPART C: DUTIES OF PUBLIC CONTRACTORS AND SUBCONTRACTORS

Section  
750.110 General  
750.120 Identification of Underutilization  
750.130 Affirmative Action Plans  
750.140 Information and Reports  
750.150 Recruitment of Employees  
750.160 Segregated Facilities  
750.170 Subcontracts

## SUBPART D: BIDDING AND COMPLIANCE

Section  
750.210 Eligibility for Competitively-Bid Public Contracts  
750.220 Construction Employee Utilization Projection  
750.230 Compliance Review; Enforcement

## APPENDIX A Equal Employment Opportunity Clause

AUTHORITY: Implementing Sections 2-105(A), 7-101(A), and 7-105(A) and authorized by Sections 7-101(A) and 7-105(A) of the Illinois Human Rights Act [775 ILCS 5/2-105(A), 7-101(A) and 7-105].

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; emergency amendments at 4 Ill. Reg. 39, p. 335, effective September

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

17, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 1627, effective February 9, 1981; codified at 8 Ill. Reg. 17889; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS

## Section 750.5 Definitions of Terms

Where used in this Part these Rules, unless the context otherwise clearly requires:

The term "Act" shall mean the Illinois Human Rights Act [775 ILCS 5/ ~~111-Rev.-Stat.-1983-1-101-through-11-101~~].

The term "Construction Contract" shall mean any public contract as defined in this Section, for the rehabilitation, alteration, conversion, extension, landscaping, repair, maintenance or other improvements of buildings, highways or other real property.

The term "Contracting Agency" shall mean any office, department, board, agency, commission, institution or other entity of the State, any of its political subdivisions or municipal corporations, who may enter into any public contract.

The term "Department" shall mean the Department of Human Rights.

The term "Director" shall mean the Director of the Department or a duly authorized designee.

The term "Eligible Bidder" shall have the same meaning as in Section 2-101(J) of the Act [775 ILCS 5/2-101(J)].

The term "Number" shall mean an Illinois Department of Human Rights Eligibility Number provided pursuant to Section 750.210 of this Part.

The term "Person" shall have the same meaning as prescribed in Section 1-103 of the Act.

The term "Public Contract" shall mean any contract, purchase order, lease, or other agreement or understanding, written or otherwise, between the State of Illinois, any of its political subdivisions or municipal corporations or any agent thereof and any other person, for the procurement of any thing or service of value, such as for example any real or personal property, equipment, merchandise, goods, materials, labor or services for or by the State, such political subdivision or municipal corporation; and further means any loan or grant by the State of Illinois, any of its political subdivisions or municipal corporations from which such a contract, purchase order,



## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

lease, or other agreement or understanding may be financed in whole or in part.

The term "Public Contractor" shall mean any person who bids for or who has been awarded a public contract by a contracting agency either through a competitive bidding procedure or otherwise.

The term "Subcontract" shall mean any agreement, arrangement or understanding, written or otherwise, between a public contractor and any person under which any portion of the public contractor's obligations under one or more public contracts is performed, undertaken or assumed; the term "subcontract", however, shall not include any agreement, arrangement or understanding in which the parties stand in the relationship of an employer and an employee, or between a bank or other financial institution and its customers.

The term "Subcontractor" shall mean any person having a subcontract as defined in this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 750.210 Eligibility for Competitively-Bid Public Contracts

a) The requirements of this Section shall apply to all persons employing fifteen or more individuals at any time during the 365 day period immediately preceding the date of filing. No such person shall be eligible to be awarded a contract subject to the competitive-bidding requirements of the Illinois Purchasing Act (33 Ill. Rev. Stat., ch. 127, pars. 132-1 et seq., as hereafter amended) by a State agency, as defined in the Illinois Procurement Code (30 ILCS 500/1-15.100), unless such person prior to the opening has filed with the Department a properly completed and sworn Employer Report Form (Form PC-1, also known as IL 442-0010) or holds a valid Number which is currently valid. Such filing with the Department must take place prior to bid opening, where a bidding or competitive selection procedure is required under the Illinois Procurement Code (30 ILCS 500/1-1), or contract award. An Employer Report Form shall be deemed filed when it is received, in the Department's Chicago office, properly completed and signed.

b) Each person who files submits such a form to the Department in compliance with this Section shall promptly be issued a bid Number as evidence of its eligibility to bid on, or be awarded, public contracts. Such form and Number shall remain currently valid until such time expire five years from the date of issue, without further notice to the person. At any time prior to the expiration date, as the Department may suspend or revoke the Number eligibility in accordance with the Act or this Party or require its renewal. Such

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

Number shall also expire upon dissolution, sale, or merger of the public contractor or eligible bidder.

- c) If the Department finds that a public contractor or eligible bidder is underutilizing minorities and/or women in any job classification, as defined in Section 750.120 of this Part, it shall require the submission of an acceptable affirmative action plan. After submitting an acceptable plan, the contractor shall file such reports as the Department may reasonably require until an Affirmative Action Progress Report (Form PG-4) at least semi-annually until such time as the Department finds that underutilization is no longer evident.
- d) A public contractor or an eligible bidder may voluntarily relinquish its eligibility status Number by so notifying the Department in writing addressed to the Department's Chicago office. Each public contractor or eligible bidder shall be responsible for promptly notifying must notify the Department in writing of any change of address or other information which may be necessary for the Department to readily contact it.
- e) A public contractor or eligible bidder which cannot be located by the Department or which does not respond to a written inquiry sent to its last known address, or which does not respond to a notice published in the Illinois Procurement Bulletin (see 30 ILCS 500/15-1), and/or in other publications of general circulation, may be deemed to have relinquished its eligibility status Number.
- f) Upon the written request of a contracting agency, which request shall state the reasons therefor, the Department may exempt any person from the requirements of subsection (a) of this Section when it deems that exceptional circumstances and the public interest so require. Such exemption shall be granted for a specified purpose and duration but may be withdrawn by the Department at any time; provided however, that such withdrawal of exemption shall not apply to contracts awarded prior to the withdrawal.
- g) The requirements of subsection (a) of this Section shall not apply to:
- 1) State agencies, boards, and commissions required to file affirmative action plans with the Department pursuant to 56 Ill. Adm. Code 2520.710; and
  - 2) persons located wholly outside the territorial boundaries of the United States and who have no employees in the United States and will not hire employees in the United States to perform any part of any public contract.
- h) Beginning June 1, 1998, persons covered under this Section may obtain forms required to apply for Numbers by writing to the Public Contracts Unit, Department of Human Rights, 100 W. Randolph Street, Suite 10-100 Chicago, IL, 60601 or by accessing the Department's website at [www.state.il.us/dhr](http://www.state.il.us/dhr). Persons who are hearing-impaired may also contact the Department by TDD at 312-263-1579.
- i) All Numbers issued by the Department or the Illinois Fair Employment Practices Commission between February 1, 1973, and June 30, 1998, shall expire on August 31, 1999.

## DEPARTMENT OF HUMAN RIGHTS

## NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Supplemental Reports for Property and Casualty Insurance Companies
- 2) Code Citation: 50 Ill. Adm. Code 936
- 3) Section Numbers: Proposed Action:  
936.10 New Section  
936.20 New Section  
936.30 New Section  
936.40 New Section  
936.50 New Section  
936.60 New Section  
EXHIBIT A New Section
- 4) Statutory Authority: Implementing and authorized by Section 144.2 of the Illinois Insurance Code [215 ILCS 5/144.2] (see P.A. 90-381, effective August 14, 1997).
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to P.A. 90-381, effective August 14, 1997, the Department is promulgating this new Rule. Part 936 will establish notification procedures and supplemental reporting requirements for property and casualty companies who are authorized to transact the classes of business set forth in Class 2 or Class 3 of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rule contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Chuck Feinen  
Staff Attorney  
Department of Insurance  
320 West Washington  
Springfield, IL 62767  
(217) 782-2867

Mary Meyer  
Paralegal  
Department of Insurance  
320 West Washington  
Springfield, IL 62767  
(217) 785-8220



DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: No small businesses, small municipalities or not for profit corporations will be affected by these amendments.

B) Reporting, bookkeeping or other procedures required for compliance: Please see 936.50 and Exhibit A of this Part.

C) Types of professional skills necessary for compliance: The requirements of this Part do not require any additional professional skills for compliance with this Part.

13) Regulatory Agenda on which this rule was summarized: July 1997

The full text of the Proposed Rules begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULES

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 936  
SUPPLEMENTAL REPORTS FOR PROPERTY AND CASUALTY INSURANCE COMPANIES

Section

936.10	Purpose
936.20	Applicability
936.30	Definitions
936.40	Notification Procedures
936.50	Reporting Requirements for Notified Property and Casualty Companies Having Direct Premium Income
936.60	Penalties
EXHIBIT A	Property and Casualty Reporting Form

AUTHORITY: Implementing and authorized by Section 144.2 of the Illinois Insurance Code [215 ILCS 5/144.2] (see P.A. 90-381, effective August 14, 1997).

SOURCE: Adopted at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 936.10 Purpose

The purpose of this Part is to establish notification procedures and supplemental reporting requirements for property and casualty insurance companies.

Section 936.20 Applicability

This Part shall apply to all companies authorized to transact the classes of business as set forth in Class 2 or Class 3 of Section 4 of the Illinois Insurance Code [215 ILCS 5/4].

Section 936.30 Definitions

Annual Statement means that statement required by Section 136 of the Illinois Insurance Code [215 ILCS 5/136] to be filed annually by the company with the Office of the Director.

Direct Premium Income means any written premium shown for a property and casualty company on Schedule T, Line 98, Column 2 of the statutory Annual Statement, as required by Section 136 of the Illinois Insurance

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

Code [215 ILCS 5/136], or equivalent information in any revision of the Annual Statement.

Director means the Director of the Illinois Department of Insurance.

Notified Companies means those insurance companies which the Director has notified pursuant to Section 936.40 of this Part.

**Section 936.40 Notification Procedures**

a) A company having direct premium income for property and casualty business may be notified by the Director that supplemental reporting requirements must be met if the company meets one or more of the following categories:

- 1) the company has been exempted by the Director pursuant to Section 136 of the Illinois Insurance Code [215 ILCS 5/136] from filing the actuarial opinion for any reason as outlined in the appropriate National Association of Insurance Commissioners Annual Statement Instructions;
- 2) the company has greater than 30 percent of direct premium income from lines of business that have less than 10 years of experience reported in Schedule P of the Annual Statement; or
- 3) the Director believes that the financial condition of the company warrants additional monitoring.

b) The Director will notify, in writing, the companies that meet one or more of the conditions listed in subsection (a) of this Section. The Director's written notification shall include the reason the supplemental reporting is being required from the notified company.

**Section 936.50 Reporting Requirements for Notified Property and Casualty Companies Having Direct Premium Income**

a) The notified company shall file a completed Exhibit A of this Part with: Financial Corporate Regulatory Division, Casualty Actuarial Section, Illinois Department of Insurance, 320 West Washington Street, Springfield, Illinois 62767-0001.

b) Notified companies are to file the supplemental report pursuant to subsection (a) of this Section within 45 days after the end of each calendar quarter including the last calendar quarter of the year.

c) The notified company shall continue to file a completed Exhibit A as specified in subsection (a) of this Section unless otherwise notified by the Director.

**Section 936.60 Penalties**

Failure of a company to file the supplemental reports pursuant to Section 936.50 of this Part shall subject the company to the provisions of Section 403A of the Illinois Insurance Code [215 ILCS 5/403A].

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

**Section 936. EXHIBIT A Property and Casualty Reporting Form**

Cumulative paid loss development history at successive quarterly evaluations for most recent four accident years (Include paid ALAE)

## GRAPHIC MATERIAL

See printed copy of IAC for detail



## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED RULES

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Administrative and Judicial Review

2) Code Citation: 62 Ill. Adm. Code 1847

3) Section Number: Proposed Action:  
1847.3 Amend  
1847.9 Amend

4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: Section 1847.3(g) is being changed in order to comply with a permit review case wherein the hearing officer found that the Department's burden of proof standard applicable to permit review hearings was improper. The hearing officer ruled that a preponderance of the evidence standard was the appropriate standard to apply in a permit review proceeding. On a subsequent appeal of the administrative case, the circuit court agreed that the clearly erroneous standard was invalid, and that the preponderance of the evidence standard was the correct standard to apply in a permit review hearing. Sections 1847.9(j), (k) and (l) are being amended to make the bond release hearing procedures consistent with the procedures for other types of hearings under these regulations.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 P.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1847  
ADMINISTRATIVE AND JUDICIAL REVIEW

## Section

1847.1 Scope  
1847.2 Construction  
1847.3 Hearings  
1847.4 Citation Hearings  
1847.5 Civil Penalty Assessment Hearings  
1847.6 Show Cause Hearings  
1847.7 Bond Forfeiture Hearings  
1847.8 Individual Civil Penalty Hearings  
1847.9 Bond Release Hearings

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 17 Ill. Reg. 10887, effective July 1, 1993; amended at 20 Ill. Reg. 1919, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1847.3 Hearings

a) Within thirty--~~t~~ 30~~t~~ days after an applicant is mailed written notice of the Department's final decision concerning an application for approval of exploration required under 62 Ill. Adm. Code 1772, a permit for surface coal mining and reclamation operations, a permit revision, a permit renewal, a permit rescission or a transfer, assignment, or sale of permit rights, the applicant, or any person with an interest which is or may be adversely affected, may file a written request for a hearing to contest the decision. The procedures outlined in this Section apply to conflict of interest hearings requested under 62 Ill. Adm. Code 1705.21, review of valid existing right determinations under 62 Ill. Adm. Code 1761.12(g), review of exemption determinations under 62 Ill. Adm. Code 1702.11(f) and 1702.17(c)(2), formal review of decisions not to inspect or enforce under 62 Ill. Adm. Code 1840.17, review of a permit issued pursuant to 62 Ill. Adm. Code 1785.23 and hearings requested under 62 Ill. Adm. Code 1773.24. Failure to file a request for hearing within this ~~thirty~~ ~~t~~ 30~~t~~ day time period shall result in a waiver of the right to such hearing; requests for hearing filed after the expiration of the ~~thirty~~ ~~t~~ 30~~t~~ day time period shall be dismissed on motion of the Department in accordance with 62 Ill. Adm. Code 1848.12.

b) The hearing request shall state:  
1) The petitioner's name and address;



## DEPARTMENT OF NATURAL RESOURCES

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- 2) A clear statement of the facts entitling the petitioner to relief, including the petitioner's interest(s) which is or may be adversely affected by the Department's final decision;
- 3) How the Department's final decision may or will adversely affect the interest(s) specified;
- 4) An explanation of each specific alleged error in the Department's final decision, including reference to the statutory and/or regulatory provisions allegedly violated;
- 5) The specific relief sought from the Department; and
- 6) Any other relevant information.
- c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- d) Unless a pre-hearing conference has been scheduled or unless the person requesting the hearing waives the ~~thirty~~-t 30+ day time limit, the Department shall start the hearing within ~~thirty~~-t 30+ days after of the hearing request. The hearing shall be on the record and adjudicatory in nature. No person who presided at an informal conference under 62 Ill. Adm. Code 1773.13(c) or a public hearing under 62 Ill. Adm. Code 1773.14 shall either preside at the hearing or participate in the decision following the hearing.
- e) Notice of hearing. The petitioner and other interested persons shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five +5+ working days prior thereto. Notice of the hearing shall also be posted at the appropriate district or field office.
- f) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least ~~sixty~~-t 60+ days after the final decision referred to in subsection (j) below is issued.
- g) Burden of proof. ~~The party seeking to reverse the Department's decision shall have the burden of proving that the Department's decision was clearly erroneous.~~

- 1) In a proceeding to review a decision on an application for a new permit:

- A) If the permit applicant is seeking review, the Department shall have the burden of going forward to establish a prima facie case as to the failure to comply with the applicable requirements of the State Act or regulations or as to the appropriateness of the permit terms and conditions, and the permit applicant shall have the ultimate burden of persuasion as to entitlement to the permit or as to the inappropriateness of the permit terms and conditions.
- B) If any other person is seeking review, that person shall have the burden of going forward to establish a prima facie case and the ultimate burden of persuasion by a preponderance of the evidence that the permit application fails in some manner to comply with the applicable

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 2) In all other proceedings held under this Section, the party seeking to reverse the Department's decision shall have the burden of proving that the Department's decision was clearly erroneous.
- h) Within ~~thirty~~-t 30+ days after the close of the record, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.
- i) Within ten +10+ days after service of the hearing officer's proposed decision, each party to the hearing may file with the hearing officer written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have ten +10+ days after service of written exceptions to file a response thereto with the hearing officer. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.
- j) If no written exceptions are filed, the hearing officer's proposed decision shall become final ten +10+ days after service of such decision. If written exceptions are filed, the hearing officer shall within ~~fifteen~~-t 15+ days following the time for filing a response thereto either issue his final administrative decision affirming or modifying his proposed decision, or shall vacate the decision and remand the proceeding for rehearing.
- k) Request for temporary relief.
  - 1) Any party may file a request for temporary relief at any time prior to a decision by the hearing officer, so long as the relief sought is not the issuance of a permit where a permit application has been disapproved in whole or in part. The request for temporary relief shall include:
    - A) A detailed written statement setting forth the reasons why relief should be granted;
    - B) A statement of the specific relief requested;
    - C) A showing that there is a substantial likelihood that the person seeking relief will prevail on the merits of the final determination of the proceeding; and
    - D) A showing that the relief sought will not adversely affect the public health or safety or cause significant, imminent environmental harm to land, air or water resources.
  - 2) The hearing officer may hold a hearing on any issue raised by the request for temporary relief.
  - 3) Within ~~fifteen~~-t 15+ days after the close of the record on the request for temporary relief, the hearing officer shall issue an order or decision granting or denying such temporary relief. Temporary relief may be granted only if:
    - A) All parties to the proceeding have been notified and given

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an opportunity to be heard on the request for temporary relief;

- B) The person requesting such relief shows a substantial likelihood of prevailing on the merits of the final determination of the proceeding;
  - C) Such relief will not adversely affect the public health or safety, or cause significant, imminent environmental harm to land, air or water resources; and
  - D) The relief sought is not the issuance of a permit where a permit has been denied by the Department, in whole or in part, except that continuation under an existing permit shall be allowed where the applicant has a valid permit issued pursuant to 62 Ill. Adm. Code 300.
- 1) Judicial review. Following service of the Department's final administrative decision, any person with an interest which is or may be adversely affected and who has participated in the administrative hearing under this Section may request judicial review of that decision in accordance with the Administrative Review Law [735 ILCS 5/Art. III §§], if:

- 1) The person is aggrieved by the Department's final administrative decision; or
- 2) The hearing officer or Department failed to act within the time limits specified in the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), the Surface Coal Mining Land Conservation and Reclamation Act (State Act) [225 ILCS 720] or this Section.

Review under this subsection (1) shall not be construed to limit rights established in Section 8.05 of the State Act [225 ILCS 720/8.05].

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1847.9 Bond Release Hearings

- a) A hearing requested pursuant to 62 Ill. Adm. Code 1800.40(e) shall be held within ~~thirty~~-t 30 days after receipt of the request for hearing.
- b) Bond release hearings shall be held in the locality of the surface coal mining operation from which bond release is sought, at the location of the Department's office, or at the State capital, at the option of the objector.
- c) Any party to the hearing may request that a pre-hearing conference be scheduled, in accordance with 62 Ill. Adm. Code 1848.7.
- d) Notice of hearing. All parties shall be given written notice of the hearing in accordance with 62 Ill. Adm. Code 1848.5 at least five (5) working days prior thereto. The Department shall advertise the date, time and location of the hearing in a newspaper of general circulation

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in the locality of the surface coal mining operation for two (2) consecutive weeks.

- e) Settlement agreement. If a settlement agreement is entered into at any stage of the hearing process, the person with whom the settlement is reached will be deemed to have waived all right to further review of the proposed bond release, except as otherwise expressly provided for in the settlement agreement. The settlement agreement shall contain a waiver clause to this effect.
- f) Summary disposition. Where the person who requested the hearing fails to appear at the hearing, that person will be deemed to have waived his right to a hearing.
- g) Burden of proof. The party seeking to reverse the Department's proposed release of bond shall have the burden of proving that the Department's decision was clearly erroneous.
- h) Record of hearing. A complete record of the hearing and all testimony shall be made by the Department and recorded stenographically. Such record shall be maintained and shall be available to the public until at least ~~sixty~~-t 60 days after the Director's decision referred to in subsection (k) is issued.
- i) Within ~~thirty~~-t 30 days after the close of the record for the bond release hearing, the hearing officer shall issue and serve, by certified mail, each party who participated in the hearing with a proposed decision consisting of proposed written findings of fact, conclusions of law and an order adjudicating the hearing request.
- j) Within ~~ten~~ ~~fifteen~~-t 15 days after service of the hearing officer's proposed decision, each party to the hearing may file with the hearing officer ~~Director~~ written exceptions to the hearing officer's proposed decision, stating how and why such decision should be modified or vacated. All parties shall have ~~ten~~ ~~fifteen~~-t 15 days after service of written exceptions to file a response thereto with the hearing officer ~~Director~~. Failure to file written exceptions or a response thereto is not a failure to exhaust administrative remedies and does not affect a party's right to judicial review.
- k) If no written exceptions are filed, the hearing officer's proposed decision shall become final ~~ten~~ ~~fifteen~~-t 15 days after service of such decision. If written exceptions are filed, the hearing officer ~~Director~~ shall, within ~~fifteen~~-t 15 days following the time for filing a response thereto, either issue ~~his~~ the ~~Department's~~ final administrative decision affirming or modifying his ~~proposed~~ ~~hearing-officer's~~ decision, or shall vacate the ~~hearing-officer's~~ decision and remand the proceeding to ~~the hearing-officer~~ for rehearing ~~further action~~.
- l) The Department's final administrative decision may be appealed in accordance with the Administrative Review Law (~~§§~~-Rev-Stat-1997 ~~ch-110-par-3-101-through-3-112~~) [735 ILCS 5/III3].

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Areas Designated By Act of Congress

2) Code Citation: 62 Ill. Adm. Code 1761

3) Section Number:  
1761.12  
Proposed Action:  
Amend

4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: Section 1761.12(b)(1) and (c) are being changed to correct errors in referenced regulations.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit

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corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.



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TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCESPART 1761  
AREAS DESIGNATED BY ACT OF CONGRESS

Section  
1761.1 Scope  
1761.11 Areas Where Mining is Prohibited or Limited  
1761.12 Procedures

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

**SOURCE:** Adopted at 4 Ill. Reg. 37, P. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991; amended at 15 Ill. Reg. 17115, effective January 1, 1992; amended at 17 Ill. Reg. 10909, effective July 1, 1993; amended at 20 Ill. Reg. 1935, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1761.12 Procedures**

- a) Upon receipt of a complete application for a surface coal mining and reclamation operation permit, the Department shall review the application to determine whether surface coal mining operations are limited or prohibited under Section 1761.11 on the lands which would be disturbed by the proposed operations.
- b) Federal recreational systems; public buildings; cemeteries
  - 1) Where the proposed operation would be located on any lands listed in Section 1761.11(a)(1)-(f) or (g), the Department shall reject the application if the applicant has no valid existing rights for the area or if the operation did not exist on August 3, 1977.
  - 2) If the Department is unable to determine whether the proposed operation is located within the boundaries of any of the lands in Section 1761.11(a) or closer than the limits provided in Section 1761.11(f) and (g), the Department shall transmit a copy of the relevant portions of the permit application to the appropriate Federal, State, or local government agency for a determination or clarification of the relevant boundaries or distances, with a notice to the appropriate agency that it must respond within ~~thirty~~-~~4~~ 30 days after ~~of~~ receipt of the request. The National Park Service or the U.S. Fish and Wildlife Service shall be notified of any claim of valid existing rights (VER) pertaining to areas within the boundaries of areas under their jurisdiction and shall have ~~thirty~~-~~4~~ 30 days from receipt of the notification in which to respond. The Department, upon request by the

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appropriate agency, shall grant an extension to the 30-day period of an additional ~~thirty~~-~~4~~ 30 days. If no response is received within 30-day period or within the extended period granted, the Department may make the necessary determination based on the information it has available.

- c) Where the proposed mining operation is proposed to be conducted within ~~one---hundred--4~~ 100 feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(a)(4)(B) ~~1761-11(d)(2)~~) and the applicant does not have VER, or where the applicant proposes to relocate or close any public road, the Department shall:

- 1) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;
- 2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected. Any person with an interest which is or may be adversely affected by the proposed mining operation may request in writing that the Department hold a public hearing. Such request shall be submitted to the Department within ~~fourteen~~ ~~4~~ 14 days after the newspaper notice required by this subsection;
- 3) If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two ~~4~~ 2 weeks prior to the hearing; and
- 4) Make a written finding based upon information received at the public hearing within ~~thirty~~-~~4~~ 30 days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the affected public and landowners will be protected from the proposed mining operations. No mining shall be allowed within ~~one-hundred--4~~ 100 feet of the outside right-of-way line of a road unless the Department determines that the interests of the affected public and landowners will be protected.
- d) Occupied dwellings
  - 1) Absent VER, where the proposed surface coal mining operations would be conducted within ~~three-hundred--4~~ 300 feet, measured horizontally, of any occupied dwelling, the permit applicant shall submit with the application a written waiver by lease, deed or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver shall act as consent to such operations within a closer distance of the dwelling as specified.
  - 2) Where the applicant for a permit after August 3, 1977, had

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obtained a valid waiver prior to August 3, 1977, from the owner of an occupied dwelling to mine within ~~three-hundred-~~ 300+ feet of such dwelling, a new waiver shall not be required.

- 3) Effect of waiver
- A) Where the applicant for a permit after August 3, 1977, had obtained a valid waiver from the owner of an occupied dwelling, that waiver shall remain effective against subsequent purchasers who had actual or constructive knowledge of the existing waiver at the time of purchase.
- B) A subsequent purchaser shall be deemed to have constructive knowledge if the waiver has been properly filed in public property records pursuant to State laws or if the mining has proceeded to within the ~~three--hundred-~~ 300 feet ~~7-foot~~ limit prior to the date of purchase.

- e) Publicly owned parks; places included in the National Register of Historic Places

1) Where the Department determines that the proposed surface coal mining operation will adversely affect any publicly owned park or any place included in the National Register of Historic Places, the Department shall transmit to the Federal, State, or local agencies with jurisdiction over the publicly owned park or National Register place a copy of applicable parts of the permit application together with a request for that agency's approval or disapproval of the operation, and a notice to that agency that it has ~~thirty-~~ 30+ days from receipt of the request within which to respond and that failure to interpose a timely objection will constitute approval. The Department, upon request by the appropriate agency, may grant an extension to the 30-day period of an additional ~~thirty-~~ 30+ days. Failure to interpose an objection within ~~thirty-~~ 30+ days after of the extended period granted shall constitute an approval of the proposed permit.

- 2) A permit for the operation shall not be issued unless jointly approved by all affected agencies.

f) If the Department determines that the proposed surface coal mining operation is not prohibited under Section 7.01 of the State Act and this Part, it may nevertheless, pursuant to appropriate petitions, designate such lands as unsuitable for all or certain types of surface coal mining operations pursuant to 62 Ill. Adm. Code 1762 or 1764.

- g) A determination by the Department that a person holds or does not hold a valid existing right or that surface coal mining operations did or did not exist on the date of enactment shall be subject to administrative and judicial review under 62 Ill. Adm. Code 1847.3.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Bonding and Insurance Requirements For Surface Coal Mining and Reclamation Operations

- 2) Code Citation: 62 Ill. Adm. Code 1800

- 3) Section Number: Proposed Action: Amend 1800.40

- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

- 5) A complete description of the subjects and issues involved: Section 1800.40(b)(2) is being changed to make the wording identical to its federal counterpart.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217) 782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 62: MINING  
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

## PART 1800

BONDING AND INSURANCE REQUIREMENTS FOR  
SURFACE COAL MINING AND RECLAMATION OPERATIONS

## Section

1800.1	Scope and Purpose
1800.2	Objective (Repealed)
1800.4	Department Responsibilities
1800.5	Definitions
1800.11	Requirement to File a Bond
1800.12	Form of the Performance Bond
1800.13	Period of Liability
1800.14	Determination of Bond Amount
1800.15	Adjustment of Amount
1800.16	General Terms and Conditions of Bond
1800.17	Bonding Requirements for Underground Coal Mines and Long-Term Coal-Related Surface Facilities and Structures
1800.20	Surety Bonds
1800.21	Collateral Bonds
1800.23	Self-Bonding
1800.30	Replacement of Bonds
1800.40	Requirement to Release Performance Bonds
1800.50	Forfeiture of Bonds
1800.60	Terms and Conditions for Liability Insurance

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9354; amended at 11 Ill. Reg. 7985, effective July 1, 1987; amended at 14 Ill. Reg. 11785, effective January 1, 1991; amended at 17 Ill. Reg. 10916, effective July 1, 1993; amended at 20 Ill. Reg. 1939, effective January 19, 1996; amended at 22 Ill. Reg. 15683, effective December 2, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1800.40 Requirement to Release Performance Bonds**

a) Bond release application.

- 1) The permittee may file an application with the Department for the release of all or part of a performance bond at any time.
- 2) Within ~~thirty~~ 30 days after an application for bond release has been filed with the Department, the operator shall submit a copy of an advertisement placed at least once a week for four (4) successive weeks in a newspaper of general circulation in the



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locality of the surface coal mining operation. The advertisement shall be considered part of any bond release application and shall contain the permit number and approval date, notification of the precise location of the land affected, the number of acres, the type and amount of the bond filed and the portion sought to be released, the type and appropriate dates of reclamation work performed, a description of the results achieved as they relate to the operator's approved reclamation plan, and the name and address of the Department to which written comments, objections, or requests for public hearings on the specific bond release may be submitted pursuant to subsection (e). In addition, as part of any bond release application, the applicant shall submit copies of letters which he or she has sent to adjoining property owners, local governmental bodies, planning agencies, sewage and water treatment authorities, and water companies in the locality in which the surface coal mining and reclamation operation took place, notifying them of the intention to seek release from the bond. The operator shall submit a certification of publication for such advertisement prior to the Department's final administrative decision releasing bond.

- 3) The permittee shall include in the application for bond release a notarized statement which certifies that all applicable reclamation activities have been accomplished in accordance with the requirements of the State Act, the regulatory program and the approved reclamation plan. Such certification shall be submitted for each application or phase of bond release.

## b) Inspection by Department.

- 1) Upon filing of the bond release application, the Department shall, within ~~thirty~~ 30 days, or as soon thereafter as weather conditions permit, conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other factors, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of future occurrence of such pollution, and the estimated cost of abating such pollution. The surface owner, agent, or lessee shall be given notice of such inspection and may participate with the Department in making the bond release inspection. The Department may arrange with the permittee to allow access to the permit area, upon request by any person with an interest in bond release, for the purpose of gathering information relevant to the proceeding.

- 2) Within ~~sixty~~ 60 days from the filing of the bond release application, if no public hearing is held pursuant to subsection (e), or, within ~~thirty~~ 30 days after a public hearing has been held pursuant to subsection (e), the Department shall ~~notify, in writing, the permittee, the permittee's attorney, the municipality and county in which the surface coal mining operation is located, the surety, or other persons with an interest in bond collateral~~

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who have requested notification under Section 1800.21(e), and the persons who either filed objections in writing or objectors who were a party to the hearing proceedings, if any, its final administrative decision to release or not to release all or part of the performance bond.

- c) The Department may release all or part of the bond for the entire permit area or incremental area if the Department is satisfied that all the reclamation or a phase of the reclamation covered by the bond or portion thereof has been accomplished in accordance with the following schedules for reclamation of Phases I, II, and III:

- 1) At the completion of Phase I, after the operator completes the backfilling, regrading (which includes the replacement of topsoil) and drainage control of a bonded area in accordance with the approved reclamation plan, ~~sixty~~ 60% percent of the bond or collateral for the applicable area.

- 2) At the completion of Phase II, after revegetation has been established on the regraded mined lands in accordance with the approved reclamation plan, an additional amount of bond. When determining the amount of bond to be released after successful revegetation has been established, the Department shall retain that amount of bond for the revegetated area which would be sufficient to cover the cost of reestablishing revegetation if completed by a third party and for the period specified for operator responsibility in Section 6.08(d)(2) of the State Act for reestablishing revegetation. No part of the bond or deposit shall be released under subsection (c)(2) so long as the lands to which the release would be applicable are contributing suspended solids to streamflow or runoff outside the permit area in excess of the requirements set by Section 3.10 of the State Act and by 62 Ill. Adm. Code 1816 or 1817 or until soil productivity for prime farmland has returned to the equivalent levels of yield as nonmined land of the same soil type in the surrounding area under equivalent management practices as determined from the soil survey performed pursuant to Section 2.02(a) of the State Act and 62 Ill. Adm. Code 1823. Where a silt dam is to be retained as a permanent impoundment pursuant to 62 Ill. Adm. Code 1816 or 1817, the Phase II portion of the bond may be released under this subsection so long as provisions for sound future maintenance by the operator or the landowner have been made with the Department.
- 3) At the completion of Phase III, after the operator has completed successfully all surface coal mining and reclamation activities, the release of the remaining portion of the bond, but not before the expiration of the period specified for operator responsibility in 62 Ill. Adm. Code 1816.116 or 1817.116. However, no bond shall be fully released under this subsection until the reclamation requirements of the State Act and the permit are fully met.

- d) If the Department disapproves the application for release of the bond

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or portion thereof, the Department shall notify the permittee, the surety, and any person with an interest in collateral as provided for in Section 1800.21(e), in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release and allowing an opportunity for a public hearing, pursuant to subsection (e) below.

- e) Any person with a valid legal interest which might be adversely affected by release of the bond, or the responsible officer or head of any Federal, State, or local governmental agency which has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or which is authorized to develop and enforce environmental standards with respect to such operations, shall have the right to file written objections to the proposed release from bond with the Department within ~~thirty~~ 30 days after the last publication of the notice required by subsection (a)(2). If written objections are filed and a hearing is requested, the hearing shall be held in accordance with 62 Ill. Adm. Code 1847.9.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Department Inspections
- 2) Code Citation: 62 Ill. Adm. Code 1840
- 3) Section Number: Proposed Action:  
1840.1 Amend  
1840.11 Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A complete description of the subjects and issues involved:  
Section 1840.1 is corrected to reflect the merging of the Department of Mines and Minerals into the Department of Natural Resources.  
Section 1840.11 has been modified to make the State regulation consistent with its federal counterpart. This additional wording allows inactive mine sites to be inspected on a quarterly basis instead of monthly.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217) 782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00

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CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
TITLE 62: MINING

PART 1840  
DEPARTMENT INSPECTIONS

Section	Scope
1840.1	Monitoring and Reporting
1840.2	Inspections by the Department
1840.11	Right of Entry
1840.12	Availability of Records
1840.14	Citizens' Requests for State Inspections
1840.15	Review of Adequacy and Completeness of Inspections
1840.16	Review of Decision Not to Inspect or Enforce
1840.17	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; codified at 8 Ill. Reg. 12288; amended at 11 Ill. Reg. 8036, effective July 1, 1987; amended at 20 Ill. Reg. 1949, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1840.1 Scope

This Part sets forth the Illinois Department of Natural Resources' Mines--and Minerals (Department) monitoring, reporting, inspection, and enforcement regulations for surface coal mining and reclamation operations, for coal exploration operations which substantially disturb the natural land surface and for applicants for permits under the Surface Coal Mining Land Conservation and Reclamation Act Ill--Rev--Stat--1985--ch--96--1/2--pars--7901-01-et-seq (State Act).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1840.11 Inspections by the Department

- a) The Department shall conduct an average of at least one full partial inspection per month of each active surface coal mining and reclamation operation under its jurisdiction and shall conduct partial inspections of each inactive surface coal mining and reclamation operation under its jurisdiction to ensure enforcement of the approved State program. A partial inspection is an on-site or aerial review of a person's compliance with any of the permit conditions and requirements imposed under the Federal Act, State Act and 62 Ill. Adm. Code 1700 through 1850. The inspector shall collect evidence of any

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p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected The proposed amendments will have no impact on small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.



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violation of the Federal Act, the State Act or 62 Ill. Adm. Code 1700 through 1850 observed.

- b) The Department shall conduct an average of at least one (1) complete inspection per calendar quarter of each active or inactive surface coal mining and reclamation operation under its jurisdiction. A complete inspection is an on-site review of a person's compliance with all permit conditions and requirements imposed under the Federal Act, the State Act and 62 Ill. Adm. Code 1700 through 1850 within the entire area disturbed, impacted or affected by surface coal mining and reclamation operations. The inspector shall collect evidence of any violation of the Federal Act, State Act or 62 Ill. Adm. Code 1700 through 1850 observed.
- c) The Department shall conduct periodic inspections of all coal exploration operations required to comply with the Federal Act, the State Act, and 62 Ill. Adm. Code 1700 through 1850. The inspector shall collect evidence of any violation of the Federal Act, State Act, or 62 Ill. Adm. Code 1700 through 1850 observed.
- d) Aerial inspections.
  - 1) Aerial inspections shall be conducted in a manner which reasonably ensures the identification and documentation of conditions at each surface coal mining and reclamation site inspected.
  - 2) Any potential violation observed during an aerial inspection shall be investigated on site within three days; provided, that any indication of a condition, practice or violation constituting cause for the issuance of a cessation order under 62 Ill. Adm. Code 1843.11 shall be investigated on site immediately. An on-site investigation of a potential violation observed during an aerial inspection shall not be considered to be an additional partial or complete inspection for the purposes of subsections (a) and (b) of this Section.

- e) The inspections required under subsections (a), (b), (c) and (d) of this Section shall:
  - 1) Be carried out on an irregular basis, so as to monitor compliance at all operations, including those which operate nights, weekends, or holidays;
  - 2) Occur without prior notice to the permittee or any agent or employee of such permittee, except for necessary on-site meetings; and
  - 3) Include the prompt filing of inspection reports adequate to enforce the requirements of the Federal Act, State Act, and 62 Ill. Adm. Code 1700 through 1850.

- f) For the purposes of Section 1840.11, an inactive surface coal mining and reclamation operation is one for which:
  - 1) The Department has secured from the permittee the written notice provided for under 62 Ill. Adm. Code 1816.131(b) or 1817.131(b); or
  - 2) Reclamation Phase II as defined at 62 Ill. Adm. Code 1800.40 has

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been completed and the liability of the permittee has been reduced by the Department in accordance with the State program. Abandoned site means a surface coal mining and reclamation operation for which the Department has found in writing that:

- 1) All surface and underground coal mining and reclamation activities at the site have ceased;
- 2) The Department has issued at least one notice of violation or the initial program equivalent, and either:
  - A) Is unable to serve the notice despite diligent efforts to do so; or
  - B) The notice was served and has progressed to a failure-to-abate cessation order or the initial program equivalent;
- 3) The Department:
  - A) Is taking action to ensure that the permittee and operator, and owners and controllers of the permittee and operator, will be precluded from receiving future permits while violations continue at the site; and
  - B) Is taking action pursuant to Section Sections 8.04(e), 8.04(f), 8.06(d) or 8.08 of the State Act [25 ILCS 720/8.04(e), 8.04(f), 8.06(d), 8.08] to ensure that abatement occurs or that there will not be a recurrence of the failure-to-abate, except where after evaluating the circumstances it concludes that further enforcement offers little or no likelihood of successfully compelling abatement or recovering any reclamation costs; and

- 4) Where the site is, or was, permitted and bonded:
  - A) The permit has either expired or been revoked; and
  - B) The Department has initiated and is diligently pursuing forfeiture of, or has forfeited, any available performance bond.

- h) In lieu of the inspection frequency established in subsections (a) and (b) of this Section, the Department shall inspect each abandoned site on a set frequency commensurate with the public health and safety and environmental considerations present at each specific site, but in no case shall the inspection frequency be set at less than one complete inspection per calendar year.
  - 1) In selecting an alternate inspection frequency authorized under this subsection, the Department shall first conduct a complete inspection of the abandoned site and provide public notice and the opportunity to comment under subsection (h)(2) below. Following the inspection and public notice, the Department shall prepare and maintain for public review a written finding justifying the alternative inspection frequency selected. This written finding shall justify the new inspection frequency by affirmatively addressing in detail all of the following criteria:
    - A) How the site meets each of the criteria under the definition of an abandoned site under subsection (g) above and thereby

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- qualifies for a reduction in inspection frequency;
- B) Whether, and to what extent, there exists on the site impoundments, earthen structures or other conditions that pose, or may reasonably be expected to ripen into, imminent dangers to the health or safety of the public or significant environmental harm to land, air or water resources;
- C) The extent to which existing impoundments or earthen structures were constructed and certified in accordance with prudent engineering designs approved in the permit;
- D) The degree to which erosion and sediment control is present and functioning;
- E) The extent to which the site is located near or above urbanized areas, communities, occupied dwellings, schools and other public or commercial buildings and facilities;
- F) The extent of reclamation completed prior to abandonment and the degree of stability of unreclaimed areas, taking into consideration the physical characteristics of the land mined and the extent of settlement or revegetation that has occurred naturally with them; and
- G) Based on a review of the complete and partial inspection report record for the site during at least the last two consecutive years, the rate at which adverse environmental or public health and safety conditions have and can be expected to progressively deteriorate.
- 2) The public notice and opportunity to comment required under subsection (h)(1) above shall be provided as follows:
- A) The Department shall place a notice in a local newspaper of general circulation in the locality of the abandoned site providing the public with a 30-day period in which to submit written comments.
- B) The public notice shall contain the permittee's name, the permit number, the precise location of the land affected, the inspection frequency proposed, the general reasons for reducing the inspection frequency, the bond status of the permit, the telephone number and address of the Department where written comments on the reduced inspection frequency may be submitted and the closing date of the comment period.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: General Definitions
- 2) Code Citation: 62 Ill. Adm. Code 1701
- 3) Section Number: Proposed Action:  
1701.Appendix A Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A complete description of the subjects and issues involved: The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) on October 30, 1997 that the existing regulation was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations.
- In order to be no less effective than its federal counterpart, the definition of "previously mined area" in Section 1701.Appendix A is proposed to be amended to reflect the federal definition.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication after this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

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Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1701  
GENERAL DEFINITIONS

Section  
1701.5 Definitions  
APPENDIX A Definitions

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4932; amended at 11 Ill. Reg. 8075, effective July 1, 1987; amended at 14 Ill. Reg. 11800, effective January 1, 1991; amended at 15 Ill. Reg. 17141, effective January 1, 1992; amended at 17 Ill. Reg. 10947, effective July 1, 1993; amended at 20 Ill. Reg. 1962, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.



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## Section 1701.APPENDIX A Definitions

As used in 62 Ill. Adm. Code 1700 through 1850, the following terms have the specified meanings, except when another meaning is given:

"Acid drainage" means water with a pH of less than 6.0 and in which total acidity exceeds total alkalinity, discharged from an active, inactive or abandoned surface coal mine and reclamation operation or from an area affected by surface coal mining and reclamation operations.

"Acid - forming materials" means earth materials that contain sulfide minerals or other materials which, if exposed to air, water or weather processes, form acids that may create acid drainage.

"Act or Federal Act" means the Surface Mining Control and Reclamation Act of 1977, P.L. 95-87. (30 U.S.C. 1201 et seq.).

"Adjacent area" means the area located outside the permit area, or shadow area, where a resource or resources, determined according to the context in which adjacent area is used, are or reasonably could be expected to be adversely impacted by proposed mining operations.

"Administratively complete application" means an application for permit approval or approval for coal exploration where required, which the Department determines to contain information addressing each application requirement of the regulatory program and to contain all information necessary to initiate processing and public review.

"Affected area" means, with respect to surface mining activities, any land or water upon or in which those activities are conducted or located. With respect to underground mining activities, affected area means: any water or surface land upon which those activities are conducted or located.

"Agricultural use" means the use of any tract of land for the production of animal or vegetable life. The uses include, but are not limited to, the pasturing, grazing, and watering of livestock, and the cropping, cultivation, and harvesting of plants.

"Applicant" means any person seeking a permit; permit revision; renewal; or transfer, assignment or sale from the Department to conduct surface coal mining and reclamation operations or, where required, seeking approval for coal exploration.

"Applicant Violator System or AVS" means the computer system maintained by OSM to identify ownership or control links involving permit applicants, permittees, and persons cited in violation notices.

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"Application" means the documents and other information filed with the Department under these regulations for the issuance of permits; revisions; renewals; and transfer, assignment, or sale of permit rights for surface coal mining and reclamation operations or, where required, for coal exploration.

"Approximate original contour" means that surface configuration achieved by backfilling and grading of the mined areas so that the reclaimed area, including any terracing or access roads, closely resembles the general surface configuration of the land prior to mining and blends into and complements the drainage pattern of the surrounding terrain, with all highwalls, and spoil piles and coal refuse piles eliminated. Permanent water impoundments may be permitted where the Department has determined that they comply with 62 Ill. Adm. Code 1816.49 and 1816.56, 1816.133 or 1817.49, 1817.56 and 1817.133. Section 1.03(a)(2) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(2)].

"Aquifer" means a zone, stratum, or group of strata that can store and transmit water in sufficient quantities for specific use.

"Article" means an article of the State Act.

"Auger mining" means a method of mining coal at a cliff or highwall by drilling holes into an exposed coal seam from the cliff or highwall and transporting the coal along an auger bit to the surface.

"Best technology currently available" means equipment, devices, systems, methods, or techniques which will

prevent, to the extent possible, additional contributions of suspended solids to stream flow or runoff outside the permit area, but in no event result in contributions of suspended solids in excess of requirements set by 62 Ill. Adm. Code 1816.42; and

minimize, to the extent possible, disturbances and adverse impacts on fish, wildlife and related environmental values, and achieve enhancement of those resources where practicable. The term includes equipment, devices, systems, methods, or techniques which are currently available anywhere as determined by the Department, even if they are not in routine use. The term includes, but is not limited to, construction practices, siting requirements, vegetative selection and planting requirements, animal stocking requirements, scheduling of activities and design of sedimentation ponds in accordance with 62 Ill. Adm. Code 1816 and 1817.

"Boxcut" means the first open cut resulting in the placing of

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overburden on unmined land adjacent to the initial pit.

"Cemetery" means any area of land where human bodies are interred.

"Coal" means combustible carbonaceous rock, classified as anthracite, bituminous, subbituminous, or lignite by ASTM Standard D 388-84 found at pp. 247-252 in Vol 5.05 of the Annual Book of ASTM Standards published by the American Society for Testing and Materials, 1916 Race St., Philadelphia PA 19103.

"Coal exploration" means the field gathering of:

surface or subsurface geologic, physical, or chemical data by mapping, trenching, drilling, geophysical, or other techniques necessary to determine the quality and quantity of overburden and coal of an area; or

the gathering of environmental data to establish the conditions of an area before beginning surface coal mining and reclamation operations under the requirements of 62 Ill. Adm. Code 1700 through 1850.

"Coal mine waste" means coal processing waste and underground development waste.

"Coal mining operation" means the business of developing, producing, preparing or loading bituminous coal, subbituminous coal, anthracite, or lignite, or of reclaiming the area upon which such activities occur.

"Coal processing or coal preparation" means chemical or physical processing and the cleaning, concentrating, or other processing or preparation of coal.

"Coal preparation plant" means a facility where coal is subjected to chemical or physical processing or the cleaning, concentrating, or other processing or preparation. It includes facilities associated with coal preparation activities including, but not limited to the following: loading facilities; storage and stockpile facilities; sheds, shops and other buildings; water treatment and water storage facilities; settling basins and impoundments; coal processing and other waste disposal areas.

"Coal processing waste" means earth materials which are separated and wasted from the product coal during cleaning, concentrating, or other processing or preparation of coal.

"Combustible material" means organic material that is capable of

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burning, either by fire or through oxidation, accompanied by the evolution of heat and a significant temperature rise.

"Community or institutional building" means any structure, other than a public building or an occupied dwelling, which is used primarily for functions of community groups; used for an educational, cultural, historic, religious, scientific, correctional, mental-health or physical-health care facility; or is used for public services, including, but not limited to, water supply, power generation or sewage treatment.

"Compaction" means increasing the density of a material by reducing the voids between the particles and is generally accomplished by controlled placement and mechanical effort such as from repeated application of wheel, track, or roller loads from heavy equipment.

"Complete and accurate application" means an application for permit approval or approval for coal exploration where required, which the Department determines contains all information which the State Act and 62 Ill. Adm. Code 1700 - 1850 require.

"Consolidated material" means materials of sufficient hardness or stability to resist weathering so as to inhibit erosion or sloughing.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops.

"Cumulative impact area" means the area, including the permit area, within which impacts resulting from the proposed operation may interact with the impacts of all anticipated mining on surface and groundwater systems. Anticipated mining shall include, at a minimum, the entire projected lives through bond release of:

the proposed operation;

all existing operations;

any operation for which a permit application has been submitted to the Department.

"Darkened surface soil" means mineral horizons formed at or adjacent to the surface of the soil which are higher in organic matter content, and visibly darker in color than the immediately underlying horizons.

"Department" means the Illinois Department of Natural Resources, Office of Mines and Minerals, or its successor.

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"Direct financial interest" means ownership or part ownership by an employee of lands, stocks, bonds, debentures, warrants, partnership shares, or other holdings and also means any other arrangement where the employee may benefit from his or her holding in or salary from coal mining operations. Direct financial interests include employment, pensions, creditor, real property, and other financial relationships.

"Director" means the Director of the Department of Natural Resources.

"Disturbed area" means an area where vegetation, topsoil, or overburden is removed or upon which topsoil, spoil, coal processing waste, underground development waste, or noncoal waste is placed by surface coal mining operations. Those areas are classified as disturbed until reclamation is complete and the performance bond or other assurance of performance required by 62 Ill. Adm. Code 1800 is released.

"Diversion" means a channel, embankment, or other man-made structure constructed to divert water from one area to another.

"Downslope" means the land surface between the projected outcrop of the lowest coalbed being mined along each highway and a valley floor.

"Embankment" means an artificial deposit of material that is raised above the natural surface of the land and used to contain, divert, or store water, support roads or railways, or for other similar purposes.

"Employee" means

any person employed by the Department who performs any function or duty under the Act; and

advisory board or commission members and consultants who perform any function or duty under the Act, if they perform decision-making functions for the Department under the authority of State law or regulations. However, members of advisory boards or commissions established in accordance with State law or regulations to represent multiple interests are not considered to be employees. State officials may through State law or regulations expand this definition to meet their program needs.

"Ephemeral stream" means a stream which meets both requirements:

It flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice; and

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It has a channel bottom that is always above the local water table.

"Excess spoil" means spoil material disposed of in a location other than the mined-out area; provided, the spoil material used to achieve the approximate original contour or to blend the mined-out area with the surrounding terrain in accordance with 62 Ill. Adm. Code 1816.102(d) and 1817.102(d) in nonsteep slope areas shall not be considered excess spoil.

"Existing structure" means a structure used in connection with surface coal mining and reclamation operations for which construction began prior to June 1, 1982.

"Federal Director" means the Director of the Federal Office of Surface Mining Reclamation and Enforcement.

"Federal violation notice" means a violation notice issued by OSM or by another agency or instrumentality of the United States.

"Final cut" means the last pit created in a surface-mined area.

"Fragile lands" means geographic areas containing important natural, ecologic, scientific or esthetic resources that could be damaged or destroyed by surface coal mining operations. Examples of fragile lands include valuable habitats for fish or wildlife, critical habitats for endangered or threatened species of animals or plants, uncommon geologic formations, National Natural Landmark sites, areas where mining may cause flooding, environmental corridors containing a concentration of ecologic and esthetic features, areas of recreational value due to high environmental quality, and buffer zones adjacent to the boundaries of areas where surface coal mining operations are prohibited under Section 7.01 of the State Act [225 ILCS 720/7.01] and 62 Ill. Adm. Code 1761.11, if those areas have characteristics requiring additional areal protection or if the buffer zone itself contains fragile resources.

"Fugitive dust" means that particulate matter not emitted from a duct or stack which becomes airborne due to the forces of wind or surface coal mining and reclamation operations or both. During surface coal mining and reclamation, it may include emissions from haul roads; wind erosion of exposed surfaces, storage piles, and spoil piles; reclamation operations; and other activities in which material is either removed, stored, transported, or redistributed.

"Gravity discharge" means, with respect to underground mining activities, mine drainage that flows freely in an open channel downgradient. Mine drainage that occurs as a result of flooding a



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mine to the level of the discharge is not gravity discharge.

"Ground cover" means the area of ground covered by the combined aboveground parts of vegetation and by the litter that is produced naturally on site.

"Ground water" means subsurface water that fills available openings in rock or soil materials to the extent that they are considered water saturated.

"Head-of-hollow fill" means a fill structure consisting of any material, other than organic material, placed in the uppermost reaches of a hollow where side slopes of the existing hollow measured at the steepest point are greater than twenty-four (24) degrees or the average slope of the profile of the hollow from the toe of the fill to the top of the fill is greater than ten (10) degrees. In head-of-hollow fills, the top surface of the fill, when completed, is at approximately the same elevation as the adjacent ridge line, and no significant area of natural drainage occurs above the fill draining into the fill area.

"High capability land" means land not meeting the definition of prime farmland or land exempted in accordance with 62 Ill. Adm. Code 1785.17 where the Department determines the following three facts are present together:

The land is capable of being reclaimed for row-crop agricultural purposes;

The land is suitable for row-crop agricultural purposes based on United States Soil Conservation Service soil survey classifications of the affected land prior to mining (all soil types in capability Classes I, II, III and those soil types in capability Class IV with slopes of five (5) percent or less), as set forth in Land-Capability Classification, Agriculture Handbook No. 210, published by the U.S. Department of Agriculture, Soil Conservation Service in 1973; and

The optimum future use of the land is for row-crop agricultural purposes.

"Highwall" means the face of exposed overburden and coal in an open cut of a surface coal mining activity or for entry to underground mining activities.

"Highwall remnant" means that portion of highwall that remains after backfilling and grading of a re-mining permit area.

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"Higher or better uses" means post-mining land uses that have a higher economic value or nonmonetary benefit to the landowner or the community than the premining land uses.

"Historically used for cropland" means:

Lands that have been used for cropland for any five (5) years or more out of the ten (10) years immediately preceding the acquisition, including purchase, lease, or option, of the lands for the purpose of conducting or allowing through resale, lease or option, the conduct of surface coal mining and reclamation operations;

Lands that the Department determines, on the basis of additional cropland history of the surrounding lands and the lands under consideration that the permit area is clearly cropland but falls outside the specific five(5)-year-in-ten (10) criterion, in which case the regulations for prime farmland shall be applied to include more years of cropland history only to increase the prime farmland acreage to be preserved; or

Lands that would likely have been used as cropland for any five (5) out of the last ten (10) years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

"Historic lands" means, for purposes of implementing 62 Ill. Adm. Code 1762 and 1764, important historic, cultural, and scientific areas that could be damaged or be destroyed by surface coal mining operations. Examples of historic lands include archaeological and paleontological sites, National Historic Landmark sites, sites listed on or eligible for listing on a State or National Register of Historic Places, sites having religious or cultural significance to native Americans or religious groups or sites for which historic designation is pending.

"Hydrologic balance" means the relationship between the quality and quantity of water inflow to, water outflow from, and water storage in a hydrologic unit such as a drainage basin, aquifer, soil zone, lake, or reservoir. It encompasses the dynamic relationships among precipitation, runoff, evaporation, and changes in ground and surface water storage.

"Hydrologic regime" means the entire state of water movement in a given area. It is a function of the climate and includes the phenomena by which water first occurs as atmospheric water vapor, passes into a liquid or solid form, falls as precipitation, moves along or into the ground surface, and returns to the atmosphere as vapor by means of evaporation and transpiration.

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"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirements of the State Act in a surface coal mining and reclamation operation, which could reasonably be expected to cause substantial physical harm to persons outside the permit area before the condition, practice, or violation can be abated. A reasonable expectation of death or serious injury before abatement exists if a rational person, subjected to the same condition or practice giving rise to the peril, would avoid exposure to the danger during the time necessary for abatement. Section 1.03(a)(7) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(7)].

"Impounding structure" means a dam, embankment, or other structure used to impound water, slurry, or other liquid or semi-liquid material.

"Impoundment" means a closed basin, naturally formed or artificially built, which is dammed or excavated for the retention of water, sediment, or waste.

"Indirect financial interest" means the same financial relationships as for direct ownership, but where the employee reaps the benefits of such interests, including interests held by his or her spouse, minor child and other relatives, including in-laws, residing in the employee's home. The employee will not be deemed to have an indirect financial interest if there is no relationship between the employee's duties and the coal mining operation in which the spouse, minor children, or other resident relatives hold a financial interest.

"In situ processes" means activities conducted in connection with in-place distillation, retorting, leaching, or other chemical or physical processing of coal. The term includes, but is not limited to, in situ gasification, in situ leaching, slurry mining, solution mining, borehole mining, and fluid recovery mining.

"Interagency Committee" means the Interagency Committee on Surface Mining Control and Reclamation Section 1.05 of the State Act created.

"Intermittent stream" means:

A stream or reach of a stream that drains a watershed of at least one (1) square mile; or

A stream or reach of a stream that is below the local water table for at least some part of the year, and obtains its flow from both surface runoff and ground water discharge.

"Irreparable damage to the environment" means any damage to the

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environment in violation of the State Act or these regulations that cannot be corrected by actions of the applicant.

"Land capability" means the soils' premining capabilities based on the United States Department of Agriculture, Soil Conservation Service classification system as found in Agriculture Handbook No. 210, Land-Capability Classification, (published in 1973) as interpreted from the soils map for sustained production of commonly cultivated crops or for the production of permanent vegetation.

"Land eligible for remining" means those lands that would otherwise be eligible for expenditures under Section 402(g)(4) or Section 404 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(g)(4), 1234).

"Land use" means specific uses or management-related activities, rather than the vegetation or cover of the land. Land uses may be identified in combination when joint or seasonal uses occur and may include land used for support facilities that are an integral part of the use. Changes of land use or uses from one of the following categories to another shall be considered as a change to an alternative land use which is subject to approval by the Department in accordance with 62 Ill. Adm. Code 1780.23.

"Cropland" means land used for the production of adapted crops for harvest, alone or in a rotation with grasses and legumes, and includes row crops, small grain crops, hay crops, nursery crops, orchard crops, and other similar specialty crops. Allowable support facilities include access roads, farm buildings, hedgerows, erosion control structures such as grassed waterways, terraces and sediment ponds, and other incidental facilities related to cropland management, except that no facility, other than erosion control structures, may be located on prime farmland.

"Pastureland" means land used primarily for the long-term production of adapted, domesticated forage plants to be grazed by the livestock or occasionally cut and cured for livestock feed. Allowable support facilities include access roads, farm buildings, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, water impoundments used for stock watering, and other incidental facilities related to pasture management.

"Grazingland" means land used for grasslands and forest lands where the indigenous vegetation is actively managed for grazing, browsing, or occasional hay production.

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"Forestry" means land used or managed for the long-term production of wood, wood fiber, or wood-derived products. Allowable support facilities include water impoundments, access and fire control lanes, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, and other incidental facilities related to sound multiple use management of the forest resource.

"Residential" means land used for single- and multiple-family housing, mobile home parks, and other residential lodgings.

"Industrial/Commercial" means land used for:

Extraction or transformation of materials for fabrication of products, wholesaling of products, or for long-term storage of products. This includes all heavy and light manufacturing facilities.

Retail or trade of goods or services, including hotels, motels, stores, restaurants, and other commercial establishments.

"Recreation" is land used for public or private leisure-time use, including developed recreation facilities such as parks, camps, and amusement areas, as well as areas for less intensive uses such as hiking, canoeing, and other undeveloped recreational uses. Allowable support facilities include water impoundments, access roads, and other incidental facilities related to the recreational development of the area.

"Fish and wildlife habitat" is land dedicated wholly or partially to the production, protection, or management of fish or wildlife. Allowable support facilities include water impoundments, access lanes, erosion control structures such as grassed waterways, downdrains, terraces and sediment ponds, and other incidental facilities related to sound fish and wildlife management practices.

"Developed water resources" includes land used for storing water for beneficial uses such as stockponds, irrigation, fire protection, flood control, and water supply. Where appropriate, developed water resources are considered a joint or seasonal use with cropland, pastureland, forestry, recreation and fish and wildlife habitat.

"Undeveloped land or no current use or land management" includes land that is undeveloped or, if previously developed, land that has been allowed to return naturally to an undeveloped state or

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has been allowed to return to forest through natural succession. A post-mining designation of undeveloped land shall not be allowed for any land which is proposed to be affected by the mining operation.

"Mining operations or surface coal mining operations" means both surface mining operations and underground mining operations. Section 1.03(a)(11) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(11)].

"Moist bulk density" means the weight of soil (oven dry) per unit volume. Volume is measured when the soil is at field moisture capacity (1/3 bar moisture tension). Weight is determined after drying the soil at one hundred and five degrees (105° C).

"MSHA" means the Mine Safety and Health Administration of the United States Department of Labor.

"Mulch" means vegetation residues or other suitable materials that aid in soil stabilization and soil moisture conservation, thus providing micro-climatic conditions suitable for germination and growth.

"Natural hazard lands" means geographic areas in which natural conditions exist which pose or, as a result of surface coal mining operations, may pose a threat to the health, safety or welfare of people, property or the environment, including areas subject to landslides, cave-ins, large or encroaching sand dunes, severe wind or soil erosion, frequent flooding, avalanches, and areas of unstable geology.

"Noxious plants" means any plant species listed as a "noxious weed" under regulations authorized by the Illinois Noxious Weed Law [505 ILCS 100]; any plant species whose seed is listed as a "prohibited (primary) noxious weed" or "restricted" (secondary) noxious weed" or "weed seeds" under regulations authorized by the Illinois Seed Law [505 ILCS 110/4]; or any plant which the Department of Agriculture has declared a pest under the Illinois Pesticide Act [415 ILCS 60].

"Occupied dwelling" means any building that is currently being used on a regular or temporary basis for human habitation.

"Office" means the Office of Surface Mining Reclamation and Enforcement, U.S.. Department of the Interior.

"Operator" means any person engaged in coal mining who removes or intends to remove more than ~~two-hundred-and-fifty~~-t 250t tons of coal from the earth or from coal refuse piles by mining within ~~twelve~~-t 12t consecutive calendar months in any one location.



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"Outslope" means the face of the spoil or embankment sloping downward from the highest elevation to the toe.

"Overburden" means material of any nature, consolidated or unconsolidated, that overlies a coal deposit, excluding topsoil.

"Ownership or control link" means any relationship included in the definition of owned or controlled or owns or controls at 62 Ill. Adm. Code 1773.5(a) and (b) or in the violations review provisions of 62 Ill. Adm. Code 1773.15(b). It includes any relationship presumed to constitute ownership or control under the definition of "owned or controlled" or "owns or controls" unless such presumption has been successfully rebutted under the provisions of 62 Ill. Adm. Code 1773.24 and 1773.25.

"Perennial stream" means a stream that flows continuously during all of the calendar year or part of a stream that flows continuously during all of the calendar year. The stream or part of a stream flows continuously as a result of groundwater discharge or surface runoff. The term does not include intermittent stream or ephemeral stream.

"Performance bond" means a surety bond, collateral bond or a combination thereof, by which a permittee assures faithful performance of all the requirements of the Federal Act, the State Act, 62 Ill. Adm. Code 1700 through 1850, and the requirements of the permit and reclamation plan.

"Performing any function or duty under this Act" means those decisions or actions, which if an employee performed or did not perform would affect the programs under the State Act.

"Permanent diversion" means a diversion remaining after surface coal mining and reclamation operations are completed which has been approved for retention by the Department and other appropriate State and Federal agencies.

"Permanent impoundment" means an impoundment which the Department approved and, if required, is approved by other State and Federal agencies for retention as part of the post-mining land use.

"Permit" means a permit to conduct surface coal mining and reclamation operations which the Department issues pursuant to the State program.

"Permit area" means the area of land and water within the boundaries of the permit which are designated on the permit application maps, as approved by the Department. This area shall include all areas which are or will be affected by the surface coal mining and reclamation operations during the term of the permit indicated on the approved map

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which the operator submitted with the operator's application and which is required to be bonded under 62 Ill. Adm. Code 1800 and where the operator proposes to conduct surface coal mining and reclamation operations under the permit, including all disturbed areas; provided, that areas adequately bonded under another valid permit may be excluded from a permit area. The permit area excludes the area defined in these regulations as the shadow area.

"Permit term" means the period during which the permittee may engage in mining and reclamation operations under the permit. Section 1.03(a)(18) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(18)].

"Permittee" means a person holding or required by the State Act or these regulations to hold a permit to conduct surface coal mining and reclamation operations issued by a Department pursuant to a State program.

"Person" means an individual, Indian tribe when conducting surface coal mining and reclamation operations on non-Indian lands, general partnership, limited partnership, business trust association, society, joint venture, joint stock company, firm, company, corporation, cooperative or other business organization or any agency, unit, or instrumentality of Federal, State or local government including any publicly-owned utility or publicly-owned corporation of Federal, State or local government.

"Person having an interest which is or may be adversely affected" or "Person with a valid legal interest" shall include any person:

Who uses any resources of economic, recreational, esthetic, or environmental value that may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department; or

Whose property is or may be adversely affected by coal exploration or surface coal mining and reclamation operations or any related action of the Secretary or the Department.

"Placeland" means undisturbed land before any mining activity.

"Precipitation event" means a quantity of water resulting from drizzle, rain, snow, sleet, or hail in a limited period of time. It may be expressed in terms of recurrence interval. As used in these regulations, precipitation event also includes that quantity of water emanating from snow cover as snow-melt in a limited period of time.

"Previously mined area" means land that had been mined before August

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3, 1977 that has not been reclaimed to the standards of 62 Ill. Adm. Code 1700 to 1850.

"Prime farmland" means those lands which are defined by the Secretary of Agriculture in 7 CFR 657 (43 Fed. Reg. 4031 (1978)) and which have historically been used for cropland as that phrase is defined above.

"Principal shareholder" means any person who is the record or beneficial owner of ten (10) percent or more of any class of voting stock.

"Prohibited financial interest" means any direct or indirect financial interest in any coal mining operation.

"Property to be mined" means both the surface and mineral estates within the permit area and the mineral estate within the shadow area.

"Public building" means any structure that is owned or leased and principally used by a public government agency for public business or meetings.

"Public office" means a facility under the control of a governmental entity which is open to public access on a regular basis during reasonable business hours.

"Public park" means an area or portion of an area dedicated or designated by any Federal, State, or local agency primarily for public recreational use, whether or not such use is limited to certain times or days, including any land leased, reserved or held open to the public because of that use.

"Publicly-owned park" means a public park that is owned by a Federal, State or local governmental entity.

"Public road" means a road:

which has been designated as a public road pursuant to the law of the jurisdiction in which it is located;

which is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction;

for which there is substantial (more than incidental) public use; and

which meets road construction standards for other public roads of the same classification in the local jurisdiction.

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"Qualified registered professional engineer" means a civil engineer, mining engineer, environmental engineer or general engineer meeting the requirements of Section 9 of the Illinois Professional Engineering Act [225 ILCS 325/9 ~~12~~].

"Rangeland" means land on which the natural potential (climax) plant cover is principally native grasses, forbs, and shrubs valuable for forage. This land includes natural grasslands and savannahs, such as prairies, and juniper savannahs, such as brushlands. Except for brush control, management is primarily achieved by regulating the intensity of grazing and season of use.

"Reasonably available spoil" means spoil and suitable coal mine waste material generated by the reining operation or other spoil or suitable coal mine waste material located in the permit area that is accessible and available for use and that when rehandled will not cause a hazard to public safety or significant damage to the environment.

"Recharge capacity" means the ability of the soils and underlying materials to allow precipitation and runoff to infiltrate and reach the zone of saturation.

"Reclamation" means those actions which these regulations require to restore mined land to a post-mining land use which the Department has approved. These actions do not include subsidence control measures conducted in the shadow area to restore damaged land to pre-mining capability.

"Recurrence interval" means the interval of time in which a precipitation event is expected to occur once, on the average. For example, the ten(10)-year, twenty-four (24)-hour precipitation event would be that twenty-four (24)-hour precipitation event expected to occur on the average once in ten (10) years.

"Reference area" means a land unit maintained under appropriate management for the purpose of measuring vegetation ground cover, productivity and plant species diversity that are produced naturally or by Department-approved crop production methods. Reference areas must be representative of geology, soil, slope, and vegetation in the permit area.

"Refuse pile" means a surface deposit of coal mine waste that does not impound water, slurry, or other liquid or semi-liquid material.

"Regional director" means Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement or Regional Director of the Federal Office of Surface Mining Reclamation and Enforcement's

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representative.

"Regulatory program" means Illinois' permanent regulatory program which the Office of Surface Mining Reclamation and Enforcement approved and set forth in 30 CFR 913.1-913.16 (1994). 30 CFR 913.1-913.16 do not include any subsequent amendments or editions.

"Remining" means conducting surface coal mining and reclamation operations which affect previously mined areas.

"Renewable resource lands" means aquifers and areas for the recharge of aquifers and other underground waters, areas for agricultural or silvicultural production of food and fiber, and grazing lands.

"Responsible land management" means that combination of preparation, maintenance, fertilization and tilling of land capable of producing row crops which would be practiced by a person in the business of producing row crops on unmined land in the same region on the same, or similar, soil type as the mined land being managed, which practices can reasonably be expected to continue after mining and reclamation are completed, as determined by the Department.

"Road" means a surface right-of-way for purposes of travel by land vehicles used in surface coal mining and reclamation operations or coal exploration. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, and surface. The term includes access and haulroads constructed, used, reconstructed, improved, or maintained for use in surface coal mining and reclamation operations or coal exploration, including use by coal hauling vehicles to and from transfer, processing or storage areas. The term does not include ramps and routes of travel within the immediate mining area or within spoil or coal mine waste disposal areas.

"Safety factor" means the ratio of the available shear strength to the developed shear stress, or the ratio of the sum of the resisting forces to the sum of the loading or driving forces.

"Secretary" means the Secretary of the Interior or the Secretary's representative.

"Sedimentation pond" means an impoundment used to remove solids from water in order to meet water quality standards or effluent limitations before the water leaves the permit area.

"Shadow area" means any area beyond the limits of the permit area in which underground mine workings are located. This area includes all resources above and below the coal that are protected by the State Act

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that may be adversely impacted by underground mining operations including impacts of subsidence.

"Significant forest cover" means an area where the plant community consists predominantly of trees and other woody vegetation.

"Significant, imminent environmental harm to land, air or water resources" means:

An environmental harm is an adverse impact on land, air, or water resources which resources include, but are not limited to, plant and animal life;

An environmental harm is imminent if a condition, practice, or violation exists which:

Is causing such harm; or

May reasonably be expected to cause such harm at any time before the end of the reasonable abatement time that would be set under Section 8.06(c) of the State Act [225 ILCS 720/8.06(c)].

An environmental harm is significant if that harm is appreciable and not immediately repairable.

"Siltation structure" means a device, or devices, used to remove, collect or otherwise control runoff so that resulting outflow will meet applicable effluent standards.

"Slope" means average inclination of a surface measured from the horizontal, generally expressed as the ratio of a unit of vertical distance to a given number of units of horizontal distance (e.g., 1v: 5h). It may also be expressed as a percent or in degrees.

"Soil horizons" means contrasting layers of soil parallel or nearly parallel to the land surface. Soil horizons are differentiated on the basis of field characteristics and laboratory data. The four master soil horizons are:

A horizon. The uppermost mineral layer, often called the surface, soil or topsoil. It is the part of the soil in which organic matter is most abundant, and leaching of soluble or suspended particles is typically the greatest.

E horizon. The layer commonly near the surface below an A horizon and above a B horizon. An E horizon is most commonly differentiated from an overlying A horizon by lighter color and



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generally has measurably less organic matter than the A horizon. An E horizon is most commonly differentiated from the underlying B horizon in the same sequence by color of higher value or lower chroma, by coarser texture, or by a combination of these properties.

B horizon. The layer that typically is immediately beneath the A and E horizons and often called the subsoil. This middle layer commonly contains more clay, iron, or aluminum than the A, E, or C horizons.

C horizon. The deepest layer of the soil profile. It consists of loose material or weathered rock that is relatively unaffected by biologic activity.

"Soil survey" means a field and other investigation, resulting in a map showing the geographic distribution of different kinds of soils and an accompanying report that describes, classifies, and interprets such soils for use. Soil surveys must meet the standards of the National Cooperative Soil Survey as incorporated by reference in 62 Ill. Adm. Code 1785.17(c)(1).

"Spoil" means overburden that has been removed during surface coal mining operations.

"Stabilize" means to control movement of soil, spoil piles, or areas of disturbed earth by modifying the geometry of the mass, or by otherwise modifying physical or chemical properties, such as by providing a protective surface coating.

"State Act" means the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

"State regulatory program" means the Illinois program which the Secretary approved on June 1, 1982 pursuant to 30 CFR 732.1 through 732.15.

"State violation notice" means a violation notice issued by a state regulatory authority or by another agency or instrumentality of State government.

"Steep slope" means any slope of more than ~~twenty~~ 20 degrees or such lesser slope as the Department may designate after consideration of such regional characteristics as soil and climate.

"Substantially disturb" means, for purposes of coal exploration, to impact significantly upon land, air or water resources by blasting; by removal of vegetation, topsoil, or overburden; by construction of

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roads or other access routes; by placement of excavated earth or waste material on the natural land surface or by other such activities; or to remove more than 250 tons of coal.

"Substantial legal and financial commitments in a surface coal mining operation" means significant investments that have been made on the basis of a long-term coal contract in power plants, railroads, coal-handling, preparation, extraction or storage facilities, and other capital-intensive activities. An example would be an existing mine, not actually producing coal, but in a substantial stage of development prior to production. Costs of acquiring the coal in place or of the right to mine it without an existing mine alone, as described in the above example, are not sufficient to constitute substantial legal and financial commitments.

"Successor in interest" means any person who succeeds to rights granted under a permit, by transfer, assignment, or sale of those rights.

"Surface mining activities" means those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over the coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location.

"Surface coal mining and reclamation operations", or "mining and reclamation operations", means surface coal mining operations and all activities necessary or incidental to the reclamation of such operations. This term includes the term "surface coal mining operations".

"Surface coal mining operations" or "mining operations" means:

Activities conducted on the surface of lands in connection with a surface coal mine or subject to the requirements of Section 516 of the Federal Act, surface operations and surface impacts incident to an underground coal mine, the products of which enter commerce, or the operations of which directly or indirectly affect interstate commerce. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting; in situ distillation or retorting; leaching or other chemical or physical processing; and the cleaning, concentrating, or other processing or preparation of coal. Such activities also include the loading of coal for interstate commerce at or near the mine-site. Provided, these activities do not include the extraction of coal incidental to the extraction of other minerals, where coal does

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not exceed ~~sixteen--and-two-thirds~~ 16 2/3% ~~per-centum~~ of the tonnage of minerals removed for purposes of commercial use or sale, or coal exploration subject to Section 512 of the Federal Act; and provided further, that excavation for the purpose of obtaining coal includes extraction of coal from coal refuse piles; and

The areas upon which the activities described in the first paragraph of this definition occur or where those activities disturb the natural land surface. These areas shall also include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of those activities and for haulage and excavation, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or material on the surface, resulting from or incident to those activities.

"Surface mining operations" means activities conducted on the surface of lands in connection with a surface coal mine or surface operations. Such activities include excavation for the purpose of obtaining coal including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, coal recovery from coal waste disposal areas, the use of explosives and blasting, and in situ distillation or retorting, leaching or other chemical or physical processing, and the cleaning, concentrating, or other processing or preparation, loading of coal at or near the mine site; and the areas on which such activities occur or where such activities disturb the natural land surface. Such areas include any adjacent land the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for haulage, and excavations, workings, impoundments, dams, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incident to such activities. [Section 1.03(a)(24) of the Surface Coal Mining Land Conservation and Reclamation Act 1225 ILCS 126/1.03(a)(24).]

"Suspended solids or nonfilterable residue, expressed as milligrams per liter", means any materials carried or held in suspension in water which are retained by a standard glass fiber filter in the procedure

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outlined by the Environmental Protection Agency's regulations for waste water and analyses (40 CFR 136).

"Temporary diversion" means a diversion of a stream or overland flow which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Temporary impoundment" means an impoundment which is used during coal exploration or surface coal mining and reclamation operations and which the Department has not approved to remain after reclamation.

"Ton" means ~~two-thousand~~ 2000 pounds avoirdupois (.90718 metric ton).

"Topsoil" means the A and E soil horizon layers of the four ~~4~~ master soil horizons.

"Toxic - forming materials" means earth materials or wastes which, if acted upon by air, water, weathering, or microbiological processes, are likely to produce chemical or physical conditions in soils or water that are detrimental to living organisms or uses of water.

"Toxic mine drainage" means water that is discharged from active or abandoned mines or other areas affected by coal exploration or surface coal mining and reclamation operations, which contains a substance that through chemical action or physical effects is likely to kill or injure, or impair living organisms commonly present in the area that might be exposed to it.

"Transfer, assignment or sale of permit rights" means a change in ownership or other effective control over the right to conduct surface coal mining operations under a permit which the Department issued.

"Underground development waste" means waste rock mixtures resulting from development of areas for underground mining activities.

"Underground mining activities" means a combination of:

Surface operations incident to underground extraction of coal or in situ processing, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas upon which are sited support facilities including hoist and ventilating ducts, areas utilized for the disposal and storage of waste, and areas on which materials incident to underground mining operations are placed; and

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Underground operations such as underground construction, operation, and reclamation of shafts, edits, underground support facilities, in situ processing, and underground mining, hauling, storage, and blasting.

"Underground mining operations" means:

*the underground excavation of coal; and*

*surface operations incident to the underground extraction of coal, such as construction, use, maintenance, and reclamation of roads, above-ground repair areas, storage areas, processing areas, shipping areas, areas on which are sited support facilities including hoist and ventilation ducts, areas used for the storage and disposal of waste, and areas on which materials incident to underground mining operations are placed; and*

*underground operations incident to underground excavation of coal, such as underground construction, operation, and reclamation of shafts, edits, underground support facilities, in situ processing, and underground mining, hauling, storage, or blasting. (Section 1.03(a)(26) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(26)]-1*

*"Unwarranted failure to comply" means the failure of a permittee to prevent the occurrence of any violation of the operator's permit or any requirement of the State Act due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit of the State due to indifference, lack of diligence, or lack of reasonable care. (Section 1.03(a)(27) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.03(a)(27)]-1*

*"Valid existing rights" means:*

*Except for haul roads, that a person possesses valid existing rights for an area protected under Section 7.01 of the State Act [225 ILCS 720/7.01] on August 3, 1977, if the application of any of the prohibitions contained in that Section to the property interest that existed on that date would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article I; Section 15 of the Illinois Constitution of 1970 or both.*

*For haul roads:*

*A recorded right of way, recorded easement or a permit for a*

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coal haul road recorded as of August 3, 1977, or at the time of the designation of an area, as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of the coming into existence, within the prohibited distance of a structure, road, cemetery, or other activity listed in Section 7.01 of the State Act; or

Any other road in existence as of August 3, 1977, or at the time of the designation of an area as to which a conflict is alleged, as part of a national system listed in Section 7.01 of the State Act, or at the time of coming into existence, within the prohibited distance of a structure, road, cemetery or other activity listed in Section 7.01 of the State Act.

Where an area comes under the protection of Section 7.01 of the State Act after August 3, 1977, valid existing right shall be found if:

On the date the protection comes into existence, a validly authorized surface coal mine operation exists on that area; or

The prohibition caused by Section 7.01 of the State Act, if applied to the property interest that exists on the date the protection comes into existence, would effect a taking of the person's property which would entitle the person to just compensation under the Fifth and Fourteenth Amendments to the United States Constitution or Article 1, Section 15 of Illinois Constitution of 1970, or both.

Interpretation of the terms of the document relied upon to establish valid existing rights shall be based either upon Illinois case law concerning interpretation of documents conveying mineral rights or, where Illinois case law is lacking, upon the usage and custom at the time and place where it came into existence and upon a showing by the applicant that the parties to the document actually contemplated a right to conduct the same underground or surface mining activities for which the applicant claims a valid existing right.

"valley fill" means a fill structure consisting of any material, other than organic material, that is placed in a valley where side slopes of the existing valley, measured at the steepest point, are greater than twenty-four (20) degrees, or where the average slope of the profile of the valley from the toe of the fill to the top of the fill is greater than ten (10) degrees.



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- 1) Heading of the Part: Permanent Program Performance Standards--Underground Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1817
- 3) 

<u>Section Number:</u>	<u>Proposed Action:</u>
1817.46	Amend
1817.49	Amend
1817.61	Amend
1816.66	Amend
1816.67	Amend
1816.83	Amend
1816.116	Amend
1816.117	Amend

4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: Section 1817.46(a)(3) has been changed because the Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) that the existing regulation was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations.

Section 1817.49(a)(3)(B) has been corrected to change the Soil Conservation Service to the Natural Resources Conservation Service.

Section 1817.61(a) is proposed to clarify the intent of this subsection. The current version refers to the initial rounds of slopes and shafts. The proposed version defines the initial rounds to be those within 50 vertical feet of the original ground surface.

The proposed revision to Section 1817.62(d) is necessary to ensure consistent terminology and wording throughout the regulations. The proposed revision is a clarification of terminology and is not a substantive revision.

Section 1817.66(a) corrects a typographical error. The proposed revision to Section 1817.66(b) is necessary to ensure consistent terminology and wording throughout the regulations. The proposed revision is a clarification of terminology and is not a substantive revision. The proposed revision to Section 1817.66(d) allows the owner of a utility to waive the set-back distance of 100 feet. This revision would allow blasting activities within 100 feet of a utility only if the owner has granted such a waiver.

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"Violation notice" means any written notification, from a governmental entity, whether by letter, memorandum, judicial or administrative pleading, or other written communication, of a violation of the Act; any federal regulation promulgated pursuant thereto; a State program; or any federal or state law or regulation pertaining to air or water environmental protection in connection with a surface coal mining operation. It includes, but is not limited to, a notice of violation; an imminent harm cessation order; a failure-to-abate cessation order; a final order, bill or demand letter pertaining to a delinquent civil penalty; a bill or demand letter pertaining to delinquent abandoned mine reclamation fees; and a notice of bond forfeiture, where one or more violations upon which the forfeiture was based have not been corrected.

"Water table" means the upper surface of a zone of saturation, where the body of ground water is not confined by an overlying impermeable zone.

"Wetland" means land that has a predominance of hydric soils (soils which are usually wet and where there is little or no free oxygen) and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation (plants typically found in wet habitats) typically adapted for life in saturated soil conditions. Areas which are restored or created as the result of mitigation or planned construction projects and which function as a wetland are included within this definition even when all three wetland parameters are not present.

"Willful violation" means a deliberate act or omission which violates the State Act, these regulations, or any permit condition which the State Act requires.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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The proposed revisions to Sections 1817.67(c), (e), (f), (g) and (h) are strictly revisions to the format structure without any substantive revisions. The proposed revision to Section 1817.67(e)(2) is to clarify the intent of this subsection. In the current version a few key words are missing. The proposed revisions are editorial in nature.

Section 1817.83 is being revised to clarify that coal waste deposited in slurry ponds is subject to the treating and/or covering requirements. In addition, it is clarified in this subsection that the Department has the authority to require acid neutralization prior to the covering of the waste with four feet of the best available material.

Section 1817.116: The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) that the existing regulation 1817.116 (a)(2)(F) was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations. In addition, provisions were added to incorporate the updated federal performance standards for previously mined areas and to correct outdated agency addresses.

Section 1817.117(a)(1) provides that the sampling techniques for measuring tree and shrub stocking success shall use a 90 percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). There is a direct relationship between the t value and the confidence interval. When the number of sample plots (degrees of freedom) increases, the value of t decreases. The one-tailed t value at 0.10 alpha error with 120 degrees of freedom equals 1.289. However, with an infinite number of degrees of freedom the t value equals 1.282. Therefore, statistically, we tend to not gain much survey accuracy beyond 120 samples (plots). Based on this, using 200 samples as the highest number of samples used on areas of 50 acres or larger is justifiable. The Department uses a 1/160 acre plot size for tree and shrub sampling. Sampling 2.5 percent of a 50 acre area would result in 200 plots being used. In accordance with the current formula, the number of plots needed to sample areas of 50 acres or less would not change. Using fewer plots on tracts of land larger than 50 acres would result in considerable personnel time savings and still provide statistically accurate results.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

- 113) Regulatory Agenda on which this rulemaking was summarized: January 998

The full text of the Proposed Amendments begins on the next page.

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CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES  
TITLE 62: MINING

## PART 1817

## PERMANENT PROGRAM PERFORMANCE STANDARDS--

## UNDERGROUND MINING OPERATIONS

Section:	Signs and Markers	Casing and Sealing of Exposed Underground Openings: General
1817.11	Requirements	
1817.13	Casing and Sealing of Underground Openings: Temporary	
1817.14	Casing and Sealing of Underground Openings: Permanent	
1817.15	Topsoil: General Requirements (Repealed)	
1817.21	Topsoil and Subsoil	
1817.22	Topsoil: Storage (Repealed)	
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1817.24	Topsoil: Nutrients and Soil Amendments (Repealed)	
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1817.73	Disposal of Underground Development Waste and Excess Spoil: Head-of-Hollow Fills (Repealed)
1817.74	Disposal of Excess Spoil: Durable Rock Fills
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1817.83	Coal Mine Waste: Refuse Piles
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1817.86	Coal Processing Waste: Burning (Repealed)
1817.87	Coal Mine Waste: Burning and Burned Waste Utilization
1817.88	Coal Processing Waste: Return to Underground Workings (Repealed)
1817.89	Disposal of Noncoal Mine Wastes
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1817.94	Coal Processing Waste: Time Requirement for Completion of Covering (Repealed)
1817.95	Stabilization of Surface Areas
1817.97	Protection of Fish, Wildlife and Related Environmental Values
1817.99	Slides and Other Damage
1817.100	Contemporaneous Reclamation and Subsidence Control
1817.101	Backfilling and Grading: General Requirements
1817.102	Backfilling and Grading: General Grading Requirements
1817.103	Backfilling and Grading: Covering Coal and Acid- and Toxic-forming Materials (Repealed)
1817.106	Backfilling and Grading: Previously Mined Areas
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1817.111	Revegetation: General Requirements
1817.112	Revegetation: Use of Introduced Species (Repealed)
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1817.114	Revegetation: Mulching and Other Soil Stabilization Practices
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1817.116	Revegetation: Standards for Success
1817.117	Revegetation: Tree and Shrub Vegetation
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1817.122	Subsidence Control: Public Notice
1817.124	Subsidence Control: Surface Owner Protections (Repealed)
1817.126	Subsidence Control: Buffer Zones (Repealed)
1817.131	Cessation of Operations: Temporary
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1817.133	Post-Mining Land Capability
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- 1817.181 Support Facilities  
 1817.182 Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area  
 1817.190 Affected Acreage Map

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

**SOURCE:** Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 17 Ill. Reg. 11031, effective July 1, 1993; amended at 20 Ill. Reg. 1993, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1817.46 Hydrologic Balance: Siltation Structures**

- a) Definitions. For the purpose of this Section only:
- 1) Siltation structure means a sedimentation pond, a series of sedimentation ponds, or other treatment facility.
  - 2) Disturbed area shall not include those areas:
    - A) In which the only underground mining activities include diversion ditches, siltation structures, or roads that are designed, constructed, and maintained in accordance with this Part; and
    - B) For which the upstream area is not otherwise disturbed by the permittee.
  - 3) Other treatment facilities means any chemical treatments, such as flocculation, or mechanical structures, such as clarifiers, that have a point-source discharge and that are utilized to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area, or to comply with all applicable State and Federal water quality laws and regulations.
- b) General Requirements.
- 1) Additional contributions of suspended solids and sediment to stream flow or runoff outside the permit area shall be prevented to the extent possible using the best technology currently available.
  - 2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area, except as provided in subsection (b)(5) or (e).
  - 3) Siltation structures for an area shall be constructed before beginning any underground mining activities in that area and, upon construction, shall be sealed by a qualified registered professional engineer to be constructed as designed and as

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- approved in the reclamation plan.
- 4) Any siltation structure which impounds water shall be designed, constructed, and maintained in accordance with Section 1817.49.
  - 5) Siltation structures shall be maintained until removal is authorized by the Department and the disturbed area has been stabilized and revegetated. In no case shall the structure be removed sooner than two (2) years after the last augmented seeding.
  - 6) When a siltation structure is removed, the land on which the siltation structure was located shall be regraded and revegetated in accordance with the reclamation plan and Sections 1817.111 through 1817.117. Sedimentation ponds approved by the Department for retention as permanent impoundments shall be exempted from this requirement.
  - 7) Any point-source discharge of water from underground workings to surface waters which does not meet the effluent limitations of Section 1817.42 shall be passed through a siltation structure before leaving the permit area.
  - 8) The Department encourages the retention of sedimentation ponds which will receive drainage from agricultural areas in the post-mining land use plan.
  - c) Sedimentation ponds.
    - 1) When used, sedimentation ponds shall:
      - A) Be used individually or in series;
      - B) Be located as near as possible to the disturbed area and out of perennial streams unless approved by the Department in accordance with Section 1817.57; and
      - C) Be designed, constructed, and maintained to:
        - i) Provide adequate sediment storage volume;
        - ii) Provide adequate detention time to allow the effluent from the ponds to meet effluent limitations specified in Section 1817.42;
        - iii) Contain or treat the ten (10) year, twenty-four (24) hour precipitation event ("design event") unless a lesser design event is approved by the Department based on terrain, climate, other site specific conditions, and on a demonstration by the permittee that the effluent limitations of Section 1817.42 will be met;
        - iv) Provide a nonclogging dewatering device adequate to maintain the detention time required under subsection (c)(1)(C)(iii);
        - v) Minimize, to the extent possible, short circuiting;
        - vi) Provide periodic sediment removal sufficient to maintain adequate volume for the design event;
        - vii) Ensure against excessive settlement;
        - viii) Be free of sod, large roots, frozen soil, and acid- or toxic-forming coal processing waste; and

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- ix) Be compacted properly.
- 2) Sedimentation pond discharge structures shall be designed according to the following:
- A) Sedimentation ponds meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall comply with all the requirements of 30 CFR 77.216 (1994) and shall have principal and emergency spillways that in combination will safely pass a ~~one-hundred-~~ 100 year, six (6) hour precipitation event; and
  - B) Sedimentation ponds not meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall provide a combination of principal and emergency spillways that will safely discharge a ~~twenty-five-~~ 25 year, six (6) hour precipitation event. Such ponds may use a single spillway if the spillway:
    - i) Is an open channel of nonerodible construction and capable of maintaining sustained flows; and
    - ii) Is not earth- or grass-lined.
- 30 CFR 77.216 (1994) does not include any later amendments or editions.
- d) Other treatment facilities.
- 1) Other treatment facilities shall be designed to treat the ten (10) year, ~~twenty-four-~~ 24 hour precipitation event unless a lesser design event is approved by the Department based on terrain, climate, other site-specific conditions, and a demonstration by the permittee that the effluent limitations of Section 1817.42 will be met.
  - 2) Other treatment facilities shall be designed in accordance with the applicable requirements of subsection (c).
- e) Exemptions. Exemptions to the requirements to pass all drainage from disturbed areas through a siltation structure may be granted if the disturbed drainage area within the total disturbed area is small; and
- 1) Alternate sediment control measures as described in Section 1817.45(b) are used in lieu of a siltation structure, and the permittee demonstrates that siltation structures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1817.42; or
  - 2) The permittee demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed drainage areas to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1817.42.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1817.49 Impoundments

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- a) The requirements of this subsection apply to both temporary and permanent impoundments.
- 1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application, insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1784. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.
  - 2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1784.16(a) as designed to meet the requirements of this Part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.
  - 3) Stability.
    - A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.
    - B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Natural Resources ~~Soil~~ Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.
  - 4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden decreases in storage volume.
  - 5) Foundations.
    - A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

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- B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.
- 6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.
- 7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.
- 8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).
- 9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.
- A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.
- B) All other impoundments shall be inspected at least quarterly during construction, provided at least one (1) inspection is conducted for impoundments completed in less than one (1) quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department, within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.
- C) A copy of the reports required in subsections (a)(9)(A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.
- 10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other

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- hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from all examination requirements of this subsection following approval by the Department:
- A) Impoundments that are completely incised;
- B) Water impounding structures that impound water to a design elevation no more than five (5) feet above the upstream toe of the structure and that can have a storage volume of not more than twenty (20) acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and
- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.
- 11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.
- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:



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- 1) The size and configuration of the impoundment is adequate for its intended purposes;
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1817.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1817.42;
- 3) The water level will be sufficiently stable and be capable of supporting the intended use;
- 4) Final grading will provide for adequate safety and access for proposed water users;
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;
- 6) The impoundment will be suitable for the approved post-mining land use;
- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.
  - A) Runoff from above the slope shall be diverted to erosion free outlets.
  - B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period;
- 8) Embankment ponds, those having embankment heights of three (3) feet or greater above natural ground elevation, shall have out-slopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less;
- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~twenty-five~~-t 25t year, six t6t hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~one-hundred~~-t 100t year, six t6t hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type;
- 10) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and ~~tbttt0t~~ (B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel

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spillway that is:

- A) Of nonerodible construction and designed to carry sustained flows; or
  - B) Earth- or grass-lined and designed to carry short-term infrequent flows at non-erosive velocities where sustained flows are not expected.
- c) Temporary impoundments.
- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~twenty-five~~-t 25t year, six t6t hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or the other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~one-hundred~~-t 100t year, six t6t hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.
  - 2) In lieu of the combination principal and emergency spillway requirements of Section 1817.49(a)(8), an impoundment may have either:
    - (A) A single spillway configured as set forth in subsection (c)(2)(A)(i) or ~~tett2tttt~~(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:
      - i) Of nonerodible construction and designed to carry sustained flows; or
      - ii) Earth- or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or
    - (B) Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1784.16(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:
      - i) In the case of an impoundment meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum

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precipitation of a 6-hour event, or greater event as specified by the Department.

- ii) In the case of an impoundment not meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1817.61 Use of Explosives: General Requirements**

- a) Sections 1817.61 through 1817.68 apply only to surface blasting activities incident to ongoing mining, including, but not limited to, initial rounds of slopes and shafts that are within 50 vertical feet of the original ground surface.
- b) Each person who conducts surface mining activities shall comply with all applicable State and Federal laws in the use of explosives.
- c) All blasting operations shall be conducted by persons certified by the Department in accordance with 62 Ill. Adm. Code 1850.
- d) Blast design.

- 1) An anticipated blast design shall be submitted if blasting operations will be conducted within:

- A) One-thousand-~~t~~ 1,000~~t~~ feet of any building used as a dwelling, public building, school, church, or community or institutional building outside the permit area; or
- B) Five-hundred-~~t~~ 500~~t~~ feet of an active or abandoned underground mine.

- 2) The blast design may be presented as part of the permit application or at a time, before the blast, approved by the Department.

- 3) The blast design shall contain sketches of the drill patterns, delay periods, and decking and shall indicate the type and amount of explosives to be used, critical dimensions, and the location and general description of structures to be protected, as well as a discussion of design factors to be used, which protect the public and meet the applicable air blast, flyrock, and ground vibration standards in Section 1817.67.

- 4) The blast design shall be prepared and signed by a certified blaster.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1817.62 Use of Explosives: Pre-Blasting Survey**

- a) At least ~~thirty-t~~ 30~~t~~ days before initiation of blasting in a permit area, the operator shall notify, in writing, all residents or owners

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of structures located within one-half ~~t~~1/2~~t~~ mile of the permit area how to request a pre-blast or condition survey.

- b) Upon written request to the Department and the person who conducts the surface mining activities by a resident or owner of a dwelling or structure that is located within one-half ~~t~~1/2~~t~~ mile of any portion of the permitted area, or by the owner of a dwelling or structure at a distance greater than one-half ~~t~~1/2~~t~~ mile from the permit areas but within one ~~t~~1~~t~~ mile of the blasting area and within an area determined by the Department to be appropriate in a particular situation on the basis of complaints or other information received by the Department, the person who conducts the surface mining activities shall promptly conduct a pre-blasting survey or a condition survey of the dwelling or structure. For any structure where, in accordance with this Section, a survey has been requested by a previous resident or a previous owner and the survey has been conducted by the permittee and copies of the survey report have been provided to the previous owner or resident of the Department, the permittee shall only be required to provide a copy of the previous completed survey report to any new or subsequent owner upon written request by the new or subsequent owner. If a structure is renovated, modified or added to, subsequent to a pre-blast survey or a condition survey, then upon request to the Department a survey of such additions, modifications and renovations shall be performed in accordance with this Section.

- c) The survey shall determine the condition of the dwelling or structure and document any pre-blasting or existing damage and other physical factors that could reasonably be affected by the blasting. Structures such as pipelines, casterns, wells and other water systems warrant special attention such as the review of construction, drilling or completion specifications; however, the assessment of these structures may be limited to surface conditions

- d) Any surveys requested more than ten ~~t~~10~~t~~ calendar days prior to the planned initiation ~~published-scheduled-beginning~~ of blasting shall be completed by the operator before the start of blasting. If the request is made after the start of blasting the person who conducts the surface mining activity shall conduct a condition survey of the dwelling or structure. A condition survey shall contain information identical to a pre-blasting survey. The intent of this Section is to provide for either a pre-blasting or condition survey only.

- e) A written report of the survey shall be prepared and signed by the person who conducted the survey. The report may include recommendations of any special conditions or proposed adjustments to the blasting procedure which should be incorporated into the blasting plan to prevent damage. Copies of the report shall be provided to the person requesting the survey and to the Department within ~~thirty-t~~ 30~~t~~ days after of the date the survey was completed. If the person requesting the survey disagrees with the results of the survey, he or she may notify, in writing, both the permittee and the Department of the specific areas of disagreement. Instructions as to whom and to

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where the written comments on the results of the survey should be forwarded shall be included with the survey report.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1817.66 Use of Explosives: Blasting Signs, Warnings, and Access Control

a) Blasting signs shall meet the specifications of Section 1817.11. The operator shall:

- 1) Conspicuously display signs reading "Blasting Site" along the edge of any blasting site that comes within ~~one-hundred~~- $\pm$  100 $\pm$  feet of any public road right-of-way, and at the point where any other road provides access to the blasting site; and
- 2) At all entrances to the permit area from public roads or highways, place conspicuous signs which state "Warning! Explosives in Use" and which clearly list and describe the meaning of the audible blast warning and all-clear signals that are in use, and which explain the marking of blasting sites and charged holes awaiting firing within the permit area.

b) Warning and all-clear signals of different character or pattern that are audible within one-half  $\pm$  1/2 $\pm$  mile of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half  $\pm$  1/2 $\pm$  mile of the permit area shall be notified of the meaning of the signals in the blasting notification required in Section 1817.64 ~~scheduled~~. The requirement to supply daily notice may be fulfilled by the audible warning signals.

c) Access to the blasting site shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting and until an authorized representative of the person who conducts the surface mining activities has reasonably determined:

- 1) That no unusual circumstances, such as imminent slides or undetonated charges, exist; and
- 2) That access to and travel in or through the site can be safely resumed.

d) Blasting prohibitions

- 1) Blasting shall not be conducted within ~~three-hundred~~- $\pm$  300 $\pm$  feet of any building used as a dwelling unless waived by the owner or within ~~three-hundred~~- $\pm$  300 $\pm$  feet of a school, church, hospital, or nursing facility.

- 2) Blasting shall not be conducted within ~~one-hundred~~- $\pm$  100 $\pm$  feet of facilities including, but not limited to, disposal wells, petroleum or gas storage facilities, municipal water storage facilities, fluid-transmission pipelines, or water and sewage lines unless a waiver is obtained from the owner of the facility and submitted to the Department prior to blasting within 100 feet.

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1817.67 Use of Explosives: Control of Adverse Effects

a) Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of ground or surface waters outside the permit area.

b) Air blast limits

- 1) Air blast shall be controlled so that it does not exceed the values specified below at any dwelling, public building, school, church, or commercial or institutional structure, unless such structure is owned by the person who conducts the surface mining activities and is not leased to any other person. If a building owned by the person conducting surface mining activities is leased to another person, the lessee may sign a waiver relieving the operator from meeting the air blast limitations of this subsection. The waiver shall be submitted to the Department before beginning blasting.

Lower frequency limit of measuring system, Hz +3dB	Maximum level in dB
--	---------------------

- |                                 |          |
|---------------------------------|----------|
| 0.1 Hz or lower--flat response* | 134 peak |
| 2.0 Hz or lower--flat response  | 133 peak |
| 6.0 Hz or lower--flat response  | 129 peak |

\* Only when approved by the Department

- 2) The measuring systems used shall have a flat frequency response of at least ~~two-hundred~~- $\pm$  200 $\pm$  Hz at the upper end.

3) The person who conducts blasting may satisfy the provisions of subsection (b) by meeting any of the three  $\pm$ 3 specifications in the chart in subsection (b)(1).

- 4) If necessary to prevent damages specified in subsection (a), the Department shall specify lower maximum allowable air blast levels than those of subsection (b)(1) for use in the vicinity of a specific blasting operation.

c) Air blast monitoring

- 1) When the cube root scaled distance, as defined in subsection (c)(2), to the nearest dwelling, public building, school, church, or commercial or institutional structure has a value less than 350 and when the burden to hole depth ratio is greater than 1.0, or the top stemming height is less than 70% of the burden dimension, the air blast produced by the blast shall be measured, recorded, analyzed, and reported pursuant to subsection (g) and Section 1817.68(b).

A) ~~The burden-to-hole-depth ratio is greater than 1.0~~-or



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- B) ~~the top of the stem height is less than seventy percent of the burden dimension, the air blast produced by that blast shall be measured, recorded, analyzed, and reported pursuant to subsection (h) and Section 1817.66(b).~~
- 2) Cube root scaled distance equals the distance, in feet, from the blast to a specified location divided by the cube root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.
- 3) To ensure compliance with the limits contained in this Section, the Department may require an air blast measurement of any or all blasts, and may specify the location of such measurements.
- d) Flyrock, including blasted material traveling in the air, or along the ground, shall not be cast beyond the permit boundaries or beyond the area of regulated access required under Section 1817.66(c), or more than one-half the distance to the nearest dwelling or other occupied structure.

## e) Ground vibration limits

- 1) In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building. At distances greater than ~~five thousand~~ 5,000 feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 0.75 inch per second at the locations of the structures described in this subsection. At distances less than ~~three hundred~~ 300 feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 1.25 inch per second at the locations of the structures described in this subsection. These limits shall apply separately to each component of motion as defined in subsection (gh). The Department shall reduce peak particle velocity limits if determined necessary to provide damage protection if so recommended in any pre-blast survey or condition survey report provided pursuant to Section 1817.62.

- 2) ~~Blasting if blasting is~~ shall be conducted to prevent adverse impacts on any underground mine and changes in the course, channel, or availability of ground or surface water outside the permit area. Ground vibration limits, including ~~when the~~ maximum peak particle velocity limitation of subsection (ed) ~~(1)~~, shall not apply at the following locations:

- A) At structures owned by the person conducting the mining activity, and not leased to another party;
- B) At structures owned by the person conducting the mining activity, and leased to another party, if a written waiver by the lessee is submitted to the Department prior to blasting.

## f) Ground vibration monitoring

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- 1) When the scaled distance, as defined below, has a value of less than ~~sixty-five~~ 65 at the nearest dwelling, public building, school, church, or commercial or institutional structure, a seismograph recording shall be made at or near the closest structure requiring protection.
- 2) Scaled Distance = The distance, in feet, from the blast to a specified location divided by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.
- 3) To ensure compliance with the limits contained in this Section, the Department may require a seismograph recording of any or all blasts and may specify the location at which such recordings are made.

gh) As used herein, seismograph recording or record or air blast recording or record shall mean a visually inspectable cartesian representation of the time history of the particle velocity levels or air blast levels versus time. Time is represented on the "x" axis. The particle velocity is shown by three traces representing mutually perpendicular components of motion. The components are oriented vertically, transversely, and longitudinally to the horizontal direction from the recording location to the location of the blast. The air blast time history is represented by a single trace. The record or recording includes either an analog representation of, or a written description of the vertical scale for the particle velocity traces and the air blast trace. The units for the particle velocity traces and scale are in inches per second. The units for the air blast trace and scale are millibars, pounds per square inch, or decibels. The recording also includes an analog or descriptive time scale. The time units are in seconds.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1817.83 Coal Mine Waste: Refuse Piles

Refuse piles shall meet the requirements of Section 1817.81, the additional requirements of this Section, and the requirements of 30 CFR 77.214 and 77.215 (1989). 30 CFR 77.214 and 77.215 (1989) do not include any later amendments or editions.

## a) Drainage control.

- 1) If the disposal area contains springs, natural or man-made water courses, or wet weather seeps, the design shall include diversions and underdrains as necessary to control erosion, prevent water infiltration into the disposal facility and ensure stability.
- 2) Uncontrolled surface drainage may not be diverted over the outslope of the refuse pile. Runoff from the areas above the refuse pile and runoff from the surface of the refuse pile shall

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be diverted into stabilized diversion channels designed to meet the requirements of Section 1817.43 to safely pass the runoff from a ~~one-hundred-~~ 100+ year, six (6) hour precipitation event. Runoff diverted from undisturbed areas need not be commingled with runoff from the surface of the refuse pile.

- 3) Underdrains shall comply with the requirements of Section 1817.71(1)(2).
- b) Surface area stabilization. Slope protection shall be provided to minimize erosion at the site. All disturbed areas, including diversion channels that are not riprapped or otherwise protected from erosion, shall be revegetated upon completion of construction.
- c) Placement.

- 1) All vegetative and organic materials shall be removed from the disposal area prior to placement of coal mine waste. Topsoil shall be removed, segregated and stored or redistributed in accordance with Section 1817.22. If approved by the Department, organic material may be used as mulch, or may be included in the topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

- 2) The final configuration of the refuse pile shall be suitable for the approved post-mining land use. Terraces may be constructed on the outslope of the refuse pile if required for stability, erosion control, conservation of soil moisture, or facilitation of the approved post-mining land use. The grade of the outslope between terrace benches shall not be steeper than 2h:1v (~~44~~ 50% percent).

- 3) No permanent impoundments shall be allowed on the completed refuse pile. Small depressions may be allowed by the Department if they are needed to retain moisture, minimize erosion, create and enhance wildlife habitat, or assist revegetation, and if they are not incompatible with stability of the refuse pile.

- 4) Following final grading of the refuse pile, the coal mine waste shall be covered with a minimum of four (4) feet of the best available nontoxic and noncombustible material, in a manner that does not impede drainage from the underdrains. The Department may allow less than four (4) feet of cover material based on physical and chemical analyses which show that the requirements of Sections 1817.111 through 1817.116 will be met. The Department shall require neutralization material to be added to the coal mine waste if, based on physical and chemical analyses, this material is needed to prevent acid mine drainage. This subsection (c)(4) is also applicable to the reclamation of fine coal waste (slurry) not meeting the definition of refuse piles.

Inspections. A qualified registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, shall inspect the refuse pile during construction. The professional engineer or specialist shall be experienced in the construction of similar earth and waste structures.

- d) Inspections. A qualified registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, shall inspect the refuse pile during construction. The professional engineer or specialist shall be experienced in the construction of similar earth and waste structures.

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- 1) Such inspections shall be made at least quarterly throughout construction and during critical construction periods.

- A) Critical construction periods shall include at a minimum:

- ii) Foundation preparation including the removal of all organic material and topsoil;
- iii) Placement of underdrains and protective filter systems;
- iv) Installation of final surface drainage systems; and
- v) The final graded and revegetated facility.

- BB) Regular inspections by the engineer or specialist shall also be conducted during placement and compaction of coal mine waste materials. More frequent inspections shall be conducted if a danger or harm exists to the public health and safety or the environment. Inspections shall continue until the refuse pile has been finally graded and revegetated.

- 2) The qualified registered professional engineer shall provide a sealed report to the Department promptly after each inspection that the refuse pile has been constructed and maintained as designed and in accordance with the approved plan and 62 Ill. Adm. Code 1700 through 1850. The report shall include appearances of instability, structural weakness, and other hazardous conditions.

- 3) The sealed report on the drainage system and protective filters shall include color photographs taken during and after construction, but before underdrains are covered with coal mine waste. If the underdrain system is constructed in phases, each phase shall be sealed separately. The photographs accompanying each sealed report shall be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to specifically and clearly identify the site.

- 4) A copy of each inspection report shall be retained at or near the mine site.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1817.116 Revegetation: Standards for Success

## a) Success of Revegetation

- 1) Success of revegetation shall be judged in accordance with this Section Sections 1817.116 and Section 1817.117.

## 2) Requirements

- A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (3)(c) below.

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B) The period of extended responsibility shall continue for a period of not less than five (5) full years, except that on lands eligible for re-mining, the period of responsibility (until September 30, 2004) shall be two (2) full years. Vegetation parameters identified in subsection (a)(1) above shall equal or exceed the approved standard set forth in subsection (a)(3) below.

C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; any pruning, reseeded and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1993-94); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 et seq.). On all lands with a post-mining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation and Trade Act of 1990 are available at the Department's Springfield office located at 524 S. Second Street, Springfield, Illinois 62701-1787 300-West-Jefferson

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D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

1) The five (5)-year period of responsibility shall not recommence after deep tillage on areas where the operator has met the revegetation success standards of subsection (a)(3)(B) below.

2) Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. Water level management using permanent water control structures is considered a normal husbandry practice.

3) Ground cover and production shall be considered equal to the approved success standard when they are not less than ninety (90) percent of the success standard. The sampling techniques for measuring success shall use a ninety (90) percent statistical confidence interval (i.e., one-sided t test with a



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0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are mined or otherwise redisturbed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;
- B) For areas to be developed for industrial, commercial or residential use less than two (2) years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is ~~ninety-~~ 90% percent of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4). Crop production shall be considered successful if it is ~~ninety-~~ 90% percent of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with ~~ninety-~~ 90% percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year responsibility period. During the extended five (5) year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five (5) year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period;
- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products

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land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1817.117;

- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4). Productivity shall be considered successful if it is ~~ninety-~~ 90% percent of the productivity required in 62 Ill. Adm. Code 1816.116(a)(4) with ~~ninety-~~ 90% percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two (2) crop years of a ten (10) year period prior to release of the performance bond, except the first year of the five (5) year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) above until the end of the responsibility period. ~~Production for proof of productivity purposes shall be initiated within ten (10) years after completion of backfilling and final grading. Ground cover shall be considered successful if it is ninety-~~ 90% percent with ~~ninety-~~ 90% percent statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any two (2) years of a ten (10) year period prior to the release of the performance bond, except the first year of the five (5) year extended responsibility period. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C) above, the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in 62 Ill. Adm. Code 1816.116(a)(4)(D) for one year of hay production on limited capability land; and
- F) Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

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- 4) In order to use the Agricultural Lands Productivity Formula, 62 Ill. Adm. Code 1816.Appendix A, to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.
- 5) Wetland revegetation shall be deemed successful when:

A) The wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631) have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is available for inspection and copying at the Department's office located at 524 S. Second Street, Springfield, Illinois 62701-1787 300-West-Jefferson Suite-3007-P.O.-Box-101377-Springfield-Illinois-62991-0137; and

B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30% percent. The testing procedure in Section 1817.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.

b) The person who conducts underground mining activities shall:

- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and
- 2) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include, but are not limited to, crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and type and location of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective

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## Section 1817.117 Revegetation: Tree and Shrub Vegetation

- a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:

- 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b) below with 90% percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the fifth year of the responsibility period or later in the responsibility period. On lands eligible for re-mining, the period of responsibility (until September 30, 2004) shall be two 1/2 full years. Trees and shrubs counted in determining such success shall be healthy, e.g., not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three 1/2 growing seasons, i.e., three 1/2 years. Until September 30, 2004, on lands eligible for re-mining, trees and shrubs need not have been in place for three 1/2 years; however, such trees and shrubs shall not be counted in determining success during the same calendar year in which they were planted.
- 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.
- 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover. Erosion control structures, including pond embankments, shall not require the planting of trees and shrubs.
- 4) For purposes of this Section, herbaceous species means: grasses, legumes and nongrassaceous forbs; woody plants means: woody shrubs, trees and vines; and ground cover means: the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.
- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting and fill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1817.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the

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first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1817.116(a)(2)(C), (D) and (E).

- b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of ~~two-hundred-and-fifty~~ 250 trees or shrubs per acre. Planting arrangements such as hedgerows, border plantings, clump plantings, shelterbelts, and open herbaceous areas which increase diversity within wildlife areas may be approved by the Department on a case-by-case basis prior to planting such areas. Where woody plants are used for forest products land uses, the area shall have a minimum population of 450 trees or shrubs per acre.

- c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:

- 1) The permittee shall submit a scale drawing or aerial photograph delineating the field(s) to be sampled and the total number of acres in each field. A one ~~four~~ inch equals ~~five-hundred~~ 500 feet or larger scale shall be used. Once field boundaries are established in a submittal, the boundaries shall not be changed unless the Department approves a request in accordance with 62 Ill. Adm. Code 1774.13.

- 2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.7
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.73
1/10	37.24
1/5	52.66
1/4	58.88

- 3) The number of plots needed to sample ~~2-5-percent-of~~ the area will not exceed 200 for areas of 50 acres or more. The number of plots needed to sample areas less than 50 acres in size will be calculated employing the following formula:

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Number of Plots equals ~~2.5~~ percent multiplied by Sample Area in acres divided by plot size.

- 4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned within ~~60~~ ~~sixty~~ feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is ~~60~~ ~~sixty~~ feet from the boundary of the area to be sampled or the greatest distance possible where ~~60~~ ~~sixty~~ feet cannot be achieved.

- 5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.

- 6) Calculate population levels as follows:

A) Average number of live trees and/or shrubs per plot equals Total Number of live trees and/or shrubs divided by number of plots; and

B) Number of live trees and/or shrubs per acre equals Average number of live trees and/or shrubs per plot multiplied by plot size denominator.

- 7) Representatives of the Department shall administer all sampling.

- d) Vegetative ground cover shall be measured by the following technique:

- 1) Twenty ~~200~~ random points shall be identified in the area to be tested.

- 2) A ~~twenty~~ 20 feet engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ~~ninety~~ 90 degree increments until the entire ~~twenty~~ 20 feet foot length is within the boundary of the area to be tested or area not treated with the herbicide.

- 3) A measurement shall be taken at each ~~two-tenths~~ .2 foot increment directly above or below the tape.

- 4) Ground cover shall be determined to be present if any vegetation identified in Section 1817.117(a)(4) is measured at the increment.

- 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Permanent Program Performance Standards - Surface Mining Activities
- 2) Code Citation: 62 Ill. Adm. Code 1816
- 3) Section Number:  
 1816.46 Amend  
 1816.49 Amend  
 1816.64 Amend  
 1816.66 Amend  
 1816.67 Amend  
 1816.83 Amend  
 1816.116 Amend  
 1816.117 Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: Section 1816.46(a)(3) has been changed because the Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) that the existing regulation was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations.

Section 1816.49(a)(3)(B) has been corrected to change the Soil Conservation Service to the Natural Resources Conservation Service.

Section 1816.64(b) adds additional language to emphasize the restriction of nighttime blasting. This is not a new limitation--the change simply clarifies that blasting is not allowed after sunset. Section 1816.64(c) makes the regulation consistent with its federal counterpart. The blasting schedule must be published before beginning a blasting program. The current language requires that the blasting schedule be published at least 30 days but not more than 60 days before blasting starts. The proposed revision requires that the blasting schedule be published at least 10 days but not more than 30 days before blasting starts. Subsection (d) is being deleted from this subsection to ensure consistency with the federal counterpart. The rest of the proposed revisions to this subsection are strictly revisions to the format structure without any substantive revisions.

Section 1816.66(d) allows the owner of a utility to waive the set-back distance of 100 feet. This revision would allow blasting activities within 100 feet of a utility only if the owner has granted such a waiver.

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Sections 1816.67(c),(e),(f),(g), and (h): Revisions to these subsections are strictly revisions to the format structure without any substantive revisions. The revisions to Section 1816.67(e)(2) are to clarify the intent of this subsection. In the current version a few key words are missing. The proposed revisions are editorial in nature.

Section 1816.83 is being revised to clarify that coal waste deposited in slurry ponds is subject to the treating and/or covering requirements. In addition, it is clarified in this subsection that the Department has the authority to require acid neutralization prior to the covering of the waste with four feet of the best available material.

Sections 1816.116(a)(2)(C) and (a)(5) are being changed to correct the address of the Land Reclamation Division. The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) that existing regulation Section 1816.116 (a)(2)(F) was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations. In addition, provisions were added to incorporate the updated federal performance standards for previously mined areas and to correct outdated agency addresses.

Section 1816.117(a)(1) provides that the sampling techniques for measuring tree and shrub stocking success shall use a 90 percent statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). There is a direct relationship between the t value and the confidence interval. When the number of sample plots (degrees of freedom) increases, the value of t decreases. The one-tailed t value at 0.10 alpha error with 120 degrees of freedom equals 1.289. However, with an infinite number of degrees of freedom the t value equals 1.282. Therefore, statistically, we tend to not gain much survey accuracy beyond 120 samples (plots). Based on this, using 200 samples as the highest number of samples used on areas of 50 acres or larger is justifiable. The Department uses a 1/160 acre plot size for tree and shrub sampling. Sampling 2.5 percent of a 50 acre area would result in 200 plots being used. In accordance with the current formula, the number of plots needed to sample areas of 50 acres or less would not change. Using fewer plots on tracts of land larger than 50 acres would result in considerable personnel time savings and still provide statistically accurate results.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1816

PERMANENT PROGRAM PERFORMANCE STANDARDS - SURFACE MINING ACTIVITIES

Section	Signs and Markers
1816.11	Casing and Sealing of Drilled Holes: General Requirements
1816.13	Casing and Sealing of Drilled Holes: Temporary
1816.14	Casing and Sealing of Drilled Holes: Permanent
1816.15	Topsoil: General Requirements (Repealed)
1816.21	Topsoil and Subsoil
1816.22	Topsoil: Storage (Repealed)
1816.23	Topsoil: Redistribution (Repealed)
1816.24	Topsoil: Nutrients and Soil Amendments (Repealed)
1816.25	Hydrologic Balance Protection
1816.41	Hydrologic Balance: Water Quality Standards and Effluent
1816.42	Limitations
1816.43	Diversions
1816.44	Hydrologic Balance: Stream Channel Diversions (Repealed)
1816.45	Hydrologic Balance: Sediment Control Measures
1816.46	Hydrologic Balance: Siltation Structures
1816.47	Hydrologic Balance: Discharge of Structures
1816.48	Hydrologic Balance: Acid-Forming and Toxic-Forming Spoil (Repealed)
1816.49	Impoundments
1816.50	Hydrologic Balance: Ground Water Protection (Repealed)
1816.51	Hydrologic Balance: Protection of Ground Water Recharge Capacity (Repealed)
1816.52	Hydrologic Balance: Surface and Ground Water Monitoring (Repealed)
1816.53	Hydrologic Balance: Transfer of Wells (Repealed)
1816.54	Hydrologic Balance: Water Rights and Replacement (Repealed)
1816.55	Hydrologic Balance: Discharge of Water Into an Underground Mine (Repealed)
1816.56	Post-Mining Rehabilitation of Sedimentation Ponds, Diversions, Impoundments, and Treatment Facilities
1816.57	Hydrologic Balance: Stream Buffer Zones
1816.59	Coal Recovery
1816.61	Use of Explosives: General Requirements
1816.62	Use of Explosives: Pre-Blasting Survey
1816.64	Use of Explosives: Public Notice of Blasting Schedule
1816.65	Use of Explosives: Surface Blasting Requirements (Repealed)
1816.66	Use of Explosives: Blasting Signs, Warnings, and Access Control
1816.67	Use of Explosives: Control of Adverse Effects
1816.68	Use of Explosives: Records of Blasting Operations
1816.71	Disposal of Excess Spoil: General Requirements
1816.72	Disposal of Excess Spoil: Valley Fills/Head-of-Hollow Fills

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- 1816.73 Disposal of Excess Spoil: Head-Of-Hollow Fills (Repealed)
- 1816.74 Disposal of Excess Spoil: Durable Rock Fills
- 1816.75 Disposal of Excess Spoil: Preexisting Benches
- 1816.79 Protection of Underground Mining
- 1816.81 Coal Mine Waste: General Requirements
- 1816.82 Coal Processing Waste Banks: Site Inspection (Repealed)
- 1816.83 Coal Mine Waste: Refuse Piles
- 1816.84 Coal Mine Waste: Impounding Structures
- 1816.85 Coal Processing Waste Banks: Construction Requirements (Repealed)
- 1816.86 Coal Processing Waste: Burning (Repealed)
- 1816.87 Coal Mine Waste: Burned Waste Utilization
- 1816.88 Coal Processing Waste: Return to Underground Workings (Repealed)
- 1816.89 Disposal of Noncoal Mine Wastes
- 1816.91 Coal Processing Waste: Dams and Embankments: General Requirements (Repealed)
- 1816.92 Coal Processing Waste: Dams and Embankments: Site Preparation (Repealed)
- 1816.93 Coal Processing Waste: Dams and Embankments: Design and Construction (Repealed)
- 1816.94 Coal Processing Waste: Time and Requirements for Completion of Covering (Repealed)
- 1816.95 Stabilization of Surface Areas
- 1816.97 Protection of Fish, Wildlife, and Related Environmental Values
- 1816.99 Slides and Other Damage
- 1816.100 Contemporaneous Reclamation
- 1816.101 Backfilling and Grading: General Requirements
- 1816.102 Backfilling and Grading: General Grading Requirements
- 1816.103 Backfilling and Grading: Covering or Treating Coal and Acid- and Toxic-Forming Materials (Repealed)
- 1816.104 Backfilling and Grading: Thin Overburden
- 1816.105 Backfilling and Grading: Thick Overburden
- 1816.106 Backfilling and Grading: Previously Mined Areas
- 1816.107 Backfilling and Grading: Steep Slopes
- 1816.111 Revegetation: General Requirements
- 1816.112 Revegetation: Use of Introduced Species (Repealed)
- 1816.113 Revegetation: Timing
- 1816.114 Revegetation: Mulching and Other Soil Stabilizing Practices
- 1816.115 Revegetation: Grazing (Repealed)
- 1816.116 Revegetation: Standards for Success
- 1816.117 Revegetation: Tree and Shrub Vegetation
- 1816.131 Cessation of Operations: Temporary
- 1816.132 Cessation of Operations: Permanent
- 1816.133 Post-Mining Land Capability
- 1816.150 Roads: General
- 1816.151 Primary Roads
- 1816.180 Utility Installations
- 1816.181 Support Facilities
- 1816.190 Affected Acreage Map

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- APPENDIX A Agricultural Lands Productivity Formula
- EXHIBIT A County Crop Yields by Soil Mapping Unit
- TABLE A Subsoil Adjustments
- TABLE B Soil Variance Codes
- TABLE C County Numbering System
- TABLE D Sample Points Per Crop Acres
- TABLE E Soil Master Files (Repealed)
- TABLE F County Cropped Acreage File (Repealed)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8224; amended at 9 Ill. Reg. 13310, effective October 10, 1985; amended at 10 Ill. Reg. 8985, effective July 1, 1986; amended at 11 Ill. Reg. 8131, effective July 1, 1987; amended at 14 Ill. Reg. 11830, effective January 1, 1991; amended at 15 Ill. Reg. 17166, effective January 1, 1992; amended at 17 Ill. Reg. 11001, effective July 1, 1993; amended at 20 Ill. Reg. 2027, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1816.46 Hydrologic Balance: Siltation Structures**

- a) Definitions. For the purpose of this Section only:
- 1) Siltation structure means a sedimentation pond, a series of sedimentation ponds, or other treatment facility.
  - 2) Disturbed area shall not include those areas:
    - A) In which the only surface mining activities include diversion ditches, siltation structures, or roads that are designed, constructed, and maintained in accordance with this Part; and
    - B) For which the upstream area is not otherwise disturbed by the permittee.
  - 3) Other treatment facilities means any chemical treatments, such as flocculation, or mechanical structures, such as clarifiers, that have a point-source discharge and that are utilized to prevent additional contributions of suspended solids to stream flow or runoff outside the permit area, or to comply with all applicable State and federal water quality laws and regulations.
- b) General Requirements.
- 1) Additional contributions of suspended solids sediment to stream flow or runoff outside the permit area shall be prevented to the extent possible using the best technology currently available.
  - 2) All surface drainage from the disturbed area shall be passed through a siltation structure before leaving the permit area, except as provided in subsection (b)(5) or (e).
  - 3) Siltation structures for an area shall be constructed before



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beginning any surface mining activities in that area and, upon construction, shall be sealed by a qualified registered professional engineer to be constructed as designed and as approved in the reclamation plan.

- 4) Any siltation structure which impounds water shall be designed, constructed, and maintained in accordance with Section 1816.49.
- 5) Siltation structures shall be maintained until removal is authorized by the Department and the disturbed area has been stabilized and revegetated. In no case shall the structure be removed sooner than two (2) years after the last augmented seeding.
- 6) When a siltation structure is removed, the land on which the siltation structure was located shall be regraded and revegetated in accordance with the reclamation plan and Sections 1816.111 through 1816.117. Sedimentation ponds approved by the Department for retention as permanent impoundments shall be exempted from this requirement.
- 7) The Department encourages the retention of sedimentation ponds which will receive drainage from agricultural areas in the post-mining land use plan.
- c) Sedimentation ponds.
  - 1) When used, sedimentation ponds shall:
    - A) Be used individually or in series;
    - B) Be located as near as possible to the disturbed area and out of perennial streams unless approved by the Department in accordance with Section 1816.57; and
    - C) Be designed, constructed, and maintained to:
      - i) Provide adequate sediment storage volume;
      - ii) Provide adequate detention time to allow the effluent from the ponds to meet effluent limitations specified in Section 1816.42;
      - iii) Contain or treat the ten (10) year, twenty-four (24) hour precipitation event ("design event") unless a lesser design event is approved by the Department based on terrain, climate, other site specific conditions, and on a demonstration by the permittee that the effluent limitations of Section 1816.42 will be met;
      - iv) Provide a nonclogging dewatering device adequate to maintain the detention time required under subsection (c)(1)(C)(ii);
      - v) Minimize, to the extent possible, short circuiting;
      - vi) Provide periodic sediment removal sufficient to maintain adequate volume for the design event;
      - vii) Ensure against excessive settlement;
      - viii) Be free of sod, large roots, frozen soil, and acid- or toxic-forming coal processing waste; and
      - ix) Be compacted properly.

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2) Sedimentation pond discharge structures shall be designed according to the following:

- A) Sedimentation ponds meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall comply with all the requirements of 30 CFR 77.216 (1994) and shall have principal and emergency spillways that in combination will safely pass a ~~one--hundred--~~ 100 year, six (6) hour precipitation event; and
- B) Sedimentation ponds not meeting the size or other qualifying criteria of 30 CFR 77.216(a) (1994) shall provide a combination of principal and emergency spillways that will safely discharge a ~~twenty-five--~~ 25 year, six (6) hour precipitation event. Such ponds may use a single spillway if the spillway:
  - i) Is an open channel of nonerodable construction and capable of maintaining sustained flows; and
  - ii) Is not earth- or grass-lined.
- C) 30 CFR 77.216 (1994) does not include any later amendments or editions.
- d) Other treatment facilities.
  - 1) Other treatment facilities shall be designed to treat the ten (10) year, ~~twenty-four--~~ 24 hour precipitation event unless a lesser design event is approved by the Department based on terrain, climate, other site specific conditions, and a demonstration by the permittee that the effluent limitations of Section 1816.42 will be met.
  - 2) Other treatment facilities shall be designed in accordance with the applicable requirements of subsection (c).
  - e) Exemptions. Exemptions to the requirements to pass all drainage from disturbed areas through a siltation structure may be granted if the disturbed drainage area within the total disturbed area is small; and
    - 1) Alternate sediment control measures as described in Section 1816.45(b) are used in lieu of a siltation structure, and the permittee demonstrates that siltation structures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards for the receiving waters set forth in Section 1816.42; or
    - 2) The permittee demonstrates that siltation structures and alternate sediment control measures are not necessary for drainage from the disturbed area to meet the effluent limitations and water quality standards set forth in Section 1816.42.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1816.49 Impoundments

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- a) The requirements of this subsection apply to both temporary and permanent impoundments.

1) Impoundments meeting the size and other qualifying criteria of 30 CFR 77.216(a) shall comply with the requirements of 30 CFR 77.216 (1991) and this Section. 30 CFR 77.216 does not include any later editions or amendments. The plan required to be submitted to the District Manager of the Mine Safety and Health Administration (MSHA) under 30 CFR 77.216 shall also be submitted to the Department as part of the permit application insofar as the MSHA informational design standard requirements are duplicative of the requirements of 62 Ill. Adm. Code 1780. In addition, the operator shall submit to the Department any certification issued by MSHA with respect to the design plan.

2) The design of impoundments shall be sealed in accordance with 62 Ill. Adm. Code 1780.25(a) as designed to meet the requirements of this part using current, prudent engineering practices. The qualified registered professional engineer shall be experienced in the design and construction of impoundments.

3) Stability.

A) An impoundment meeting the size or other criteria of 30 CFR 77.216(a) or located where failure would be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.5 for a normal pool with steady state seepage saturation conditions, and a seismic safety factor of at least 1.2.

B) Impoundments not meeting the size or other criteria of 30 CFR 77.216(a), except for a coal mine waste impounding structure, and located where failure would not be expected to cause loss of life or serious property damage shall have a minimum static safety factor of 1.3 for a normal pool with steady state seepage saturation conditions, or meet the design, construction and maintenance requirements of U.S. Natural Resources Soil Conservation Service Practice Standard 378, "Ponds," April 1987. Practice Standard 378 is hereby incorporated by reference and does not include later editions or amendments.

4) Impoundments shall have adequate freeboard to resist overtopping by waves and by sudden increases in storage volume.

5) Foundations.

A) Foundations and abutments for an impounding structure shall be stable during all phases of construction and operation and shall be designed based on adequate and accurate information on the foundation conditions. For an impoundment meeting the size or other criteria of 30 CFR 77.216(a), foundation investigation, as well as any necessary laboratory testing of foundation material, shall be performed to determine the design requirements for foundation stability.

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B) All vegetative and organic materials shall be removed and foundations excavated and prepared to resist failure. Cutoff trenches shall be installed if necessary to ensure stability.

6) Slope protection shall be provided to protect against surface erosion at the site and protect against sudden drawdown.

7) Faces of embankments and surrounding areas shall be vegetated, except that faces where water is impounded may be riprapped or otherwise stabilized in accordance with accepted design practices.

8) Impoundments shall include a combination of principal and emergency spillways which shall be designed and constructed to safely pass the design precipitation event specified in subsection (b) or (c).

9) Inspections. A qualified registered professional engineer or other qualified professional specialist, under the direction of the professional engineer, shall inspect the impoundment. The professional engineer or specialist shall be experienced in the construction of impoundments, as evidenced by the placement of a registered professional engineer's seal on the inspection report.

A) Impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be inspected, examined and certified in accordance with 30 CFR 77.216. Annual status reports required under 30 CFR 77.216-4 shall be submitted to the Department within 30 days after the reporting period.

B) All other impoundments shall be inspected at least quarterly during construction, provided at least one (1) inspection is conducted for impoundments completed in less than one (1) quarter, and upon completion of construction. The qualified registered professional engineer shall submit to the Department within thirty (30) days after each inspection, a sealed report that the impoundment has been constructed as designed and in accordance with the approved plan and these regulations.

C) A copy of the reports required in subsections (a)(9)(A) and (B) above, and the examination reports required in subsection (a)(10) below, shall be retained at or near the mine site. The Department may approve reports being retained at a different location if there is no permanent mine office.

10) Impoundments which do not meet the size or other qualifying criteria of 30 CFR 77.216(a) shall be examined at least quarterly by a qualified person designated by the permittee for appearances of instability, structural weakness or other hazardous conditions. At least one of the quarterly examinations conducted during the calendar year shall be sealed by a qualified registered professional engineer and shall include a discussion of any appearances of instability, structural weakness or other

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hazardous conditions, and any other aspects of the structure affecting stability, and a statement indicating the pond has been maintained in accordance with the approved plan and these regulations. This examination shall be conducted during the period of October 1 through December 31 of each calendar year. The sealed examination report shall be submitted to the Department within 30 days after of the examination. Impoundment examinations shall be conducted until the impoundment has been removed or until final bond release in accordance with 62 Ill. Adm. Code 1800.40. If the operator can demonstrate that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm, the following impoundments shall be exempt from all examination requirements of this subsection, following approval by the Department:

- A) Impoundments that are completely incised;
- B) Water impounding structures that impound water to a design elevation no more than five ~~5~~ feet above the upstream toe of the structure and that can have a storage volume of not more than ~~twenty--~~ 20+ acre-feet; provided the exemption request is accompanied by a report sealed by a registered professional engineer licensed in the State of Illinois, accurately describing the hazard potential of the structure. Hazard potential must be such that failure of the structure would not create a potential threat to public health and safety or threaten significant environmental harm. The report shall be field verified by the Department prior to approval and periodically thereafter. The Department may terminate the exemption if so warranted by changes in the area downstream of the structure or in the structure itself; and

- C) Impoundments that do not facilitate mining or reclamation including, but not limited to, sewage lagoons, landscaping ponds, pools or wetlands in replaced stream channels, existing impoundments not yet used to facilitate mining, ephemeral waterbodies, active mining pits and differential settlement pools.

11) If any examination or inspection discloses that a potential hazard exists, the person who examined the impoundment shall promptly inform the Department of the finding and of the emergency procedures formulated for public protection and remedial action. If adequate procedures cannot be formulated or implemented, the Department shall be notified immediately. The Department shall then notify the appropriate agencies that other emergency procedures are required to protect the public.

- b) Permanent impoundments. A permanent impoundment of water may be created, if authorized by the Department in the approved permit, based upon the following demonstration:

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- 1) The size and configuration of the impoundment is adequate for its intended purposes.
- 2) The quality of impounded water will be suitable on a permanent basis for its intended use and, after reclamation, will meet water quality standards set forth in Section 1816.42, and discharges from the impoundment will meet applicable effluent limitations and will not degrade the quality of receiving water below water quality standards set forth in Section 1816.42.
- 3) The water level will be sufficiently stable and be capable of supporting the intended use.
- 4) Final grading will provide for adequate safety and access for proposed water users.
- 5) The impoundment will not result in the diminution of the quality and quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.
- 6) The impoundment will be suitable for the approved post-mining land use.
- 7) The impoundment perimeter slopes shall be consistent with the intended use of the impoundment, not be steeper than the angle of repose and comply with subsection (a)(3). Where surface runoff enters the impoundment area, the side slope shall be protected against erosion.
  - A) Runoff from above the slope shall be diverted to erosion free outlets.
  - B) Grading of slopes shall be scheduled to be completed at the onset of the most favorable seeding period.
- 8) Embankment ponds, those having embankment heights of three ~~3~~ feet or greater above natural ground elevation, shall have outslopes of 1v:2h or less and interior slopes to the normal pool elevation of 1v:2h or less.
- 9) Permanent impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~twenty-five--~~ 25+ year, six ~~6~~ hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type. Permanent impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~one-hundred--~~ 100+ year, six ~~6~~ hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.
- 10) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have a single spillway configured as set forth in subsections (b)(10)(A) and (b)(10)(B) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (b)(9). The Department shall approve a single open-channel



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spillage that is:

- A) Of nonerodible construction and designed to carry sustained flows; or
- B) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected.

c) Temporary impoundments.

- 1) Temporary impoundments not meeting the size or other qualifying criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~twenty-five-~~ 25 year, six ~~67~~ hour precipitation event or such larger event as may be required by the Department based on factors such as terrain, topography and soil type. Temporary impoundments meeting the size or other criteria of 30 CFR 77.216(a) shall be provided with a spillway that will safely discharge a ~~one-hundred-~~ 100 year, six ~~67~~ hour precipitation event, or such larger event as may be specified by the Department based on factors such as terrain, topography and soil type.
- 2) In lieu of the combination principal and emergency spillway requirements of Section 1816.49(a)(8), an impoundment may have either:
  - A) A single spillway configured as set forth in subsection (c)(2)(A)(i) or (c)(2)(A)(ii) that is designed and constructed to safely pass the applicable design precipitation specified in subsection (c)(1). The Department shall approve a single open-channel spillway that is:
    - i) Of nonerodible construction and designed to carry sustained flows; or
    - ii) Earth or grass-lined and designed to carry short-term, infrequent flows at non-erosive velocities where sustained flows are not expected; or
  - B) Sufficient spillway capacity to safely pass, adequate storage capacity to safely contain, or a combination of storage capacity and spillway capacity to safely control the design precipitation event when it is demonstrated by the operator and certified by a qualified registered professional engineer in accordance with 62 Ill. Adm. Code 1780.25(a) that the impoundment will safely control the design precipitation event, the water from which shall be safely removed in accordance with current prudent engineering practices. Impounding structures relying on this method to control runoff shall be located where failure would not be expected to cause loss of life or serious property damage, except where:
    - i) In the case of an impoundment meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of the probable maximum

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precipitation of a 6-hour event, or greater event as specified by the Department.

- ii) In the case of an impoundment not meeting the size or other criteria of 30 CFR 77.216(a), it is designed to control the precipitation of a 100-year 6-hour event, or greater event as specified by the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1816.64 Use of Explosives: Public Notice of Blasting Schedule

- a) All blasting shall be conducted from sunrise to sunset, and at times announced in the blasting schedule. The Department shall limit the area covered, timing and sequence of blasting, as listed in the schedule, if such limitations are necessary and reasonable in order to protect public health, safety or welfare.
- b) Unscheduled blasting may be conducted only where public or operator health and safety so require. When an operator conducts an unscheduled blast, the operator, using audible warning signals, shall notify residents within one-half ~~1/2~~ mile of the blasting site and document the reason(s) for the unscheduled blast in accordance Section 1816.68(a)(17). Unscheduled blasting does not include nighttime blasting, which is prohibited at all times.
- c) Blasting schedule publication.
  - 1) Each person who conducts surface mining activities shall publish a blasting schedule at least ten ~~thirty-~~ 30 days, but not more than ~~30 sixty-~~ 60 days, before beginning a blasting program in which blasts that use more than five ~~5~~ pounds of explosive or blasting agent are detonated. The blasting schedule shall be published in a newspaper of general circulation in the locality of the blasting site.
  - 2) Copies of the schedule shall be distributed by mail to local governments and public utilities and mailed or delivered to each residence within one-half ~~1/2~~ mile of the proposed blasting area and to every other person within or outside such area to whom the Department requires to be mailed, and daily notices shall be provided to such persons prior to any blasting.
  - 3) The person who conducts the surface mining activities shall republish and redistribute the schedule by mail at least every ~~twelve--12~~ 12 months and revise and republish the schedule at least ~~ten thirty-~~ 30 days but not more than ~~30 sixty-~~ 60 days before blasting in areas not covered in the current schedule or if the actual blasting times differ from the time periods listed in the current schedule for more than ~~twenty-percent-20~~ 20% of the blasts fired.

- d) The blasting schedule shall contain at a minimum: Blasting--schedule contents.

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- 1) ~~A--blasting--schedule--shall--not--be--so--general--as--to--cover--the--entire--permit--area--or--all--working--hours--but--shall--identify--as--accurately--as--possible--the--location--of--the--blasting--sites--and--the--time--periods--when--blasting--will--occur.~~
- 2) ~~The--blasting--schedule--shall--contain--at--a--minimum--~~
- 1) ~~a) Identification of the specific areas in which blasting will take place;~~
- 2) ~~b) Dates and time periods when explosives are to be detonated;~~
- 3) ~~c) Methods to be used to control access to the blasting area;~~
- 4) ~~b) Types of audible warnings and all-clear signals to be used before and after blasting;~~ and
- 5) ~~b) Name, address, and telephone number of operator.~~
- e) Public notice of changes in blasting schedules.
- Before blasting in areas or at times not in a previous schedule, the person who conducts the surface mining activities shall prepare a revised schedule according to the procedures in subsections (c) and (d).
- (Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1816.66 Use of Explosives: Blasting Signs, Warnings, and Access Control

- a) Blasting signs shall meet the specifications of Section 1816.11. The operator shall:
- 1) Conspicuously display signs reading "Blasting Area" along the edge of any blasting area that comes within ~~one-hundred-~~ 100 feet of any public road right-of-way, and at the point where any other road provides access to the blasting area; and
- 2) At all entrances to the permit area from public roads or highways, place conspicuous signs which state "Warning! Explosives in Use" and which clearly list and describe the meaning of the audible blast warning and all-clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the permit area.
- b) Warning and all-clear signals of different character or pattern that are audible within one-half ~~1/2~~ mile of the blast shall be given. Each person within the permit area and each person who resides or regularly works within one-half ~~1/2~~ mile of the permit area shall be notified of the meaning of the signals in the blasting schedule. The requirement to supply daily notice may be fulfilled by the audible warning signals.
- c) Access to the blasting area shall be controlled to prevent the presence of livestock or unauthorized personnel during blasting and until an authorized representative of the person who conducts the surface mining activities has reasonably determined:
- 1) That no unusual circumstances, such as imminent slides or

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- undetonated charges, exist; and
- 2) That access to and travel in or through the area can be safely resumed.
- d) Proximity to buildings and other facilities
- 1) Blasting shall not be conducted within ~~three-hundred-~~ 300 feet of any building used as a dwelling unless waived by the owner or within ~~three-hundred-~~ 300 feet of a school, church, hospital, or nursing facility.
- 2) Blasting shall not be conducted within ~~one-hundred-~~ 100 feet of facilities including, but not limited to, disposal wells, petroleum or gas storage facilities, municipal water storage facilities, fluid-transmission pipelines, or water and sewage lines unless a waiver is obtained from the owner of the facility and submitted to the Department prior to blasting within 100 feet.
- (Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1816.67 Use of Explosives: Control of Adverse Effects

- a) Blasting shall be conducted to prevent injury to persons, damage to public or private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel or availability of ground or surface water outside the permit area.
- b) Air blast limits
- 1) Air blast shall be controlled so that it does not exceed the values specified below at any dwelling, public building, school, church, or commercial or institutional structure, unless such structure is owned by the person who conducts the surface mining activities and is not leased to any other person. If a building owned by the person conducting surface mining activities is leased to another person, the lessee may sign a waiver relieving the operator from meeting the air blast limitations of this subsection. The waiver shall be submitted to the Department before beginning blasting.
- | Lower frequency limit of measuring system, Hz +3dB | Maximum level in dB |
|--|---------------------|
| 0.1 Hz or lower--flat response*                    | 134 peak            |
| 2.0 Hz or lower--flat response                     | 133 peak            |
| 6.0 Hz or lower--flat response                     | 129 peak            |
- \* Only when approved by the Department
- 2) The measuring systems used shall have a flat frequency response of at least ~~two-hundred-~~ 200 Hz at the upper end.
- 3) The person who conducts blasting may satisfy the provisions of

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subsection (b) by meeting any of the three (3) specifications in the chart in subsection (b)(1).

- 4) If necessary to prevent damages specified in subsection (a), the Department shall specify lower maximum allowable airblast levels than those in subsection (b)(1) for use in the vicinity of a specific blasting operation.

c) Air blast monitoring

- 1) When the cube root scaled distance, as defined in subsection (c)(2), to the nearest dwelling, public building, school, church, or commercial or institutional structure has a value less than 350 and when the burden to hole depth ratio is greater than 1.0, or the top stemming height is less than 70% of the burden dimension, the air blast produced by that blast shall be measured, recorded, analyzed, and reported pursuant to subsection (g) and Section 1816.68(b). This subsection shall not apply to horizontal blast holes drilled from the floor of the pit.

A) ~~The burden-to-hole-depth-ratio-is-greater-than-1.0; or~~

B) ~~The top-stemming-height-is-less-than-seventy-percent--(70%) of--the-burden--dimension;--the--air-blast-produced-by-that blast--shall-be-measured,--recorded,--and--analyzed,--and--reported pursuant--to--subsection--(h)--and--Section-1816.68(b);--This subsection--shall--not--apply--to--horizontal-blast-holes--drilled from--the--floor--of--the--pit.~~

- 2) Cube root scaled distance equals the distance, in feet, from the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

- 3) To ensure compliance with the limits contained in this Section, the Department may require an air blast measurement of any or all blasts, and may specify the location of such measurements.

- d) Flyrock, including blasted material traveling in the air, or along the ground, shall not be cast beyond the permit boundaries or beyond the area of regulated access required under Section 1816.66(c), or more than one-half the distance to the nearest dwelling or other occupied structure.

e) Ground vibration limits

- 1) In all blasting operations, except as otherwise authorized in this Section, the maximum peak particle velocity shall not exceed one (1) inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building. At distances greater than ~~five-thousand-(5,000)~~ feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 0.75 inch per second at the locations of the structures described in this subsection. At distances less than ~~three-hundred-(300)~~ feet from the blast to any structures described in this subsection, the maximum allowable peak particle velocity shall not exceed 1.25 inch per second at the locations of the

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structures described in this subsection. These limits shall apply separately to each component of motion as defined in subsection (g) (4). The Department shall reduce peak particle velocity limits if determined necessary to provide damage protection, if so recommended in any pre-blast survey or condition survey report provided pursuant to Section 1816.62.

- 2) ~~Blasting shall be if-blasting-is conducted to prevent adverse impacts on any underground mine and changes in the course, channel, or availability of ground or surface water outside the permit area.~~ Ground vibration limits, including the ~~then--the~~ maximum peak particle velocity limitation of subsection (e)(1), ~~shall not apply at the following locations to section:~~

A) ~~At structures owned by the person conducting the mining activity, and not leased to another party; and~~

B) ~~At structures owned by the person conducting the mining activity, and leased to another party, if a written waiver by the lessee is submitted to the Department prior to blasting.~~

f) ~~Ground vibration monitoring~~

- 1) When the scaled distance, as defined below, has a value less than ~~sixty-five-(65)~~ at the nearest dwelling, public building, school, church, or commercial or institutional structure, a seismograph recording shall be made at or near the closest structure requiring protection.

2) Scaled Distance = The distance, in feet, from the blast to a specified location divided by the square root of the maximum weight of explosives, in pounds, to be detonated in any eight (8) millisecond period.

- 3) To ensure compliance with the limits contained in this Section, the Department may require a seismograph recording of any or all blasts and may specify the location at which such recordings are made.

g) As used herein, seismograph recording or record or air blast recording or record shall mean:

A visually inspectable cartesian representation of the time history of the particle velocity levels or air blast levels versus time. Time is represented on the "X" axis. The particle velocity is shown by three traces representing mutually perpendicular components of motion. The components are oriented vertically, transversely, and longitudinally to the horizontal direction from the recording location to the location of the blast. The air blast time history is represented by a single trace. The record or recording includes either an analog representation of, or a written description of the vertical scale for the particle velocity traces and the air blast trace. The units for the particle velocity traces and scale are in inches per second. The units for the air blast trace and scale are millibars, pounds per square inch, or decibels. The recording also includes an analog or descriptive time scale. The time units are in seconds.



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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1816.83 Coal Mine Waste: Refuse Piles**

Refuse piles shall meet the requirements of Section 1816.81, the additional requirements of this Section, and the requirements of 30 CFR 77.214 and 77.215 (1989). 30 CFR 77.214 and 77.215 (1989) do not include any subsequent amendments or editions.

## a) Drainage control.

1) If the disposal area contains springs, natural or man-made water courses, or wet weather seeps, the design shall include diversions and underdrains as necessary to control erosion, prevent water infiltration into the disposal facility and ensure stability.

2) Uncontrolled surface drainage may not be diverted over the outslope of the refuse piles. Runoff from the areas above the refuse pile and runoff from the surface of the refuse pile shall be diverted into stabilized diversion channels designed to meet the requirements of Section 1816.43 to safely pass the runoff from a one-hundred-~~6~~ 100~~7~~ year, six ~~6~~ hour precipitation event. Runoff diverted from undisturbed areas need not be commingled with runoff from the surface of the refuse pile.

3) Underdrains shall comply with the requirements of Section 1816.71(1)(2).

b) Surface area stabilization. Slope protection shall be provided to minimize erosion at the site. All disturbed areas, including diversion channels that are not riprapped or otherwise protected from erosion, shall be revegetated upon completion of construction.

## c) Placement.

1) All vegetative and organic materials shall be removed from the disposal area prior to placement of coal mine waste. Topsoil shall be removed, segregated and stored or redistributed in accordance with Section 1816.22. If approved by the Department, organic material may be used as mulch, or may be included in the topsoil to control erosion, promote growth of vegetation or increase the moisture retention of the soil.

2) The final configuration of the refuse pile shall be suitable for the approved post-mining land use. Terraces may be constructed on the outslope of the refuse pile if required for stability, erosion control, conservation of soil moisture, or facilitation of the approved post-mining land use. The grade of the outslope between terrace benches shall not be steeper than 2h:1v (50~~3~~ fifty-(50)-percent).

3) No permanent impoundments shall be allowed on the completed refuse pile. Small depressions may be allowed by the Department if they are needed to retain moisture, minimize erosion, create and enhance wildlife habitat, or assist revegetation, and if they

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are not incompatible with stability of the refuse pile.

4) Following final grading of the refuse pile, the coal mine waste shall be covered with a minimum of four ~~4~~ feet of the best available, nontoxic and noncombustible material, in a manner that does not impede drainage from the underdrains. The Department may allow less than four ~~4~~ feet of cover material based on physical and chemical analyses which show that the requirements of Section 1816.111 through 1816.117 will be met. The Department shall require the addition of neutralization material to be added to the coal mine waste if, based on physical and chemical analyses, this material is needed to prevent acid mine drainage. This subsection (c)(4) is also applicable to the reclamation of fine coal waste (slurry) not meeting the definition of refuse piles.

d) Inspections. A qualified registered professional engineer, or other qualified professional specialist under the direction of the professional engineer, shall inspect the refuse pile during construction. The professional engineer or specialist shall be experienced in the construction of similar earth and waste structures.

1) Such inspections shall be made at least quarterly throughout construction and during critical construction periods. Critical construction periods shall include foundation preparation including the removal of all organic material and topsoil; placement of underdrains and protective filter systems; installation of final surface drainage systems; and the final graded and revegetated facility. Regular inspections by the engineer or specialist shall also be conducted during placement and compaction of coal mine waste materials. More frequent inspections shall be conducted if a danger of harm exists to the public health and safety or the environment. Inspections shall continue until the refuse pile has been finally graded and revegetated.

2) The qualified registered professional engineer shall provide a sealed report to the Department promptly after each inspection that the refuse pile has been constructed and maintained as designed and in accordance with the approved plan and 62 Ill. Adm. Code 1700 through 1850. The report shall include appearances of instability, structural weakness, and other hazardous conditions.

3) The sealed report on the drainage system and protective filters shall include color photographs taken during and after construction, but before underdrains are covered with coal mine waste. If the underdrain system is constructed in phases, each phase shall be sealed separately. The photographs accompanying each certified report shall be taken in adequate size and number with enough terrain or other physical features of the site shown to provide a relative scale to the photographs and to specifically and clearly identify the site.

4) A copy of each inspection report shall be retained at or near the

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minesite.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1816.116 Revegetation: Standards for Success****a) Success of Revegetation**

- 1) Success of revegetation shall be judged in accordance with Sections 1816.116 and 1816.117.

**2) Requirements**

A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C) below.

B) The period of extended responsibility shall continue for a period of not less than five (5) full years, except that on lands eligible for remining, the period of responsibility (until September 30, 2004) shall be two (2) full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved success standard set forth in subsection (a)(3).

C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as disease, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook (1993-94); and those practices which are a part of an approved conservation plan subject to the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 1421 et seq.). On all lands with a postmining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject

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to the Food, Agriculture, Conservation and Trade Act of 1990, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the Food, Agriculture, Conservation, and Trade Act of 1990 are available at the Department's Springfield office located at 524 S. Second Street, Springfield, Illinois 62701-1787 909---West Jefferson--Suite-300--P.O.-Box-10197--Springfield,--Illinois 62791-0197.

D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

F) Augmentation

1) The five (5) year period of responsibility shall not recommence after deep-tillage on areas where the operator has met the revegetation success standards of subsection

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- (a)(3)(b)-below:  
 (i) if high-capability-cropland-is-augmented-the-Department shall-retain-sufficient-performance-bond-at-the-time-of phase-if-performance-bond-release-to-ensure-the-cost-of similarity-augmenting-all-other-high-capability-lands-if required-is-covered-in-the-remaining-bond-amount. Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. Water level management using permanent water control structures is considered a normal husbandry practice.
- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than ninety-~~four~~ <sup>90</sup>~~percent~~ of the success standard. The sampling techniques for measuring success shall use a ~~ninety-<sup>four</sup> percent~~ <sup>ninety-<sup>90</sup> percent</sup> statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1816.117(d). Standards for success shall be applied in accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements 62 Ill. Adm. Code 1810 through 1828 and that are remined or otherwise redisturbed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;
- B) For areas to be developed for industrial, commercial or residential use less than two ~~ten~~ years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with subsection (a)(4) below. Crop production shall be considered successful if it is ~~ninety-<sup>four</sup> percent~~ <sup>ninety-<sup>90</sup> percent</sup> of that crop production required in subsection (a)(4) with ~~ninety-<sup>four</sup> percent~~ <sup>ninety-<sup>90</sup> percent</sup> statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two ~~ten~~ years of a ten ~~ten~~ year

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- period prior to release of the performance bond, except the first year of the five ~~ten~~ year responsibility period. During the extended five ~~ten~~ year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The five ~~ten~~ year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crop(s) to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within ten ~~ten~~ years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) above until the end of the responsibility period;
- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1816.117; and
- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structures, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with subsection (a)(4). Productivity shall be considered successful if it is ~~ninety-<sup>four</sup> percent~~ <sup>ninety-<sup>90</sup> percent</sup> of the productivity required in subsection (a)(4) with ~~ninety-<sup>four</sup> percent~~ <sup>ninety-<sup>90</sup> percent</sup> statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two ~~ten~~ years of a ten ~~ten~~ year period prior to release of the performance bond, except the first year of the five ~~ten~~ year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C) above until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within ten ~~ten~~ years after completion of backfilling and final grading. Ground cover shall be considered successful if it is ~~ninety-<sup>four</sup> percent~~ <sup>ninety-<sup>90</sup> percent</sup> statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any two ~~ten~~ years of a ten ~~ten~~ year period prior to the release of the performance bond, except the first year of the five ~~ten~~ year extended responsibility period. On high capability land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a



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proper management practice in accordance with subsection (a)(2)(C) above, the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in subsection (a)(4)(D) below for one year of hay production on limited capability land.

- F) Non-contiguous areas less than or equal to four acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.

- 4) In order to use the Agricultural Lands Productivity Formula, Section 1816. Appendix A, to determine success of revegetation, the following shall apply:

- A) The permittee shall submit annually, by February 15, a one ~~foot~~ inch equals ~~five-hundred-~~ 500+ feet or larger scale drawing or aerial photograph delineating:

- i) Field boundaries, a field numbering scheme and the total acreage for each field which will be cropped to demonstrate proof of productivity for the coming crop year. The Department shall approve such submittal if the information is correct and accurate. Once field boundaries are established in a submittal, the boundaries shall not be changed without recommencing the responsibility period, unless the submittal is amended in accordance with subsection (a)(4)(A)(ii) below; and

- ii) The crop (e.g., hay, wheat, corn, soybeans, sorghum, etc.) which will be grown on each field to demonstrate proof of productivity for the coming crop year. The permittee may amend its scale drawing in accordance with 62 Ill. Adm. Code 1774.13(b)(2) until July 15 of the submittal year. Each such amendment shall contain a written explanation of changes from the original submittal and include a map reflecting the changes. A field is an area of land reclaimed by a single reclamation technique that comprises either high capability land or prime farmland or limited capability pasture land. The size of the field and its boundaries are determined by such factors which include, but are not limited to, contour, non-cropped boundaries and size of farming equipment. The Department may approve a field to represent non-contiguous areas less than or equal to four acres of the same capability if it determines that the field

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is representative of reclamation of such areas. These areas shall be managed and vegetated in the same manner as the representative field.

- B) Fields identified in subsection (a)(4)(A) above to be measured for success of revegetation for cropland shall be planted annually to a single approved crop. The sampling method of Section 1816. Appendix A shall apply. Soil and water conservation practices approved in the permit application including but not limited to grass waterways, diversion ditches, contour grass strips, and sedimentation ponds within the boundaries of a field shall be excluded from the sampling requirements of Section 1816. Appendix A and shall remain vegetated with permanent ground cover species, where appropriate, to conserve soil and water resources. Subject to rulemaking, the Department in cooperation with the Illinois Department of Agriculture may determine if a portion of a field is a representative sample of the entire field when technology has developed to make it possible through physical and chemical agronomic testing to demonstrate success of vegetation through soil surveys or when statistically valid sampling procedures are developed for determining success of revegetation based upon cropping and sampling a representative portion of the field.

- C) Adjustments for abnormal growing conditions shall be made if such adjustments are certified by a crop adjuster certified to perform adjustments by the Federal Crop Insurance Corporation. At the request of a permittee, the Department of Agriculture shall make arrangements for such an appraisal or adjustment review. Before any such an appraisal or adjustment shall be arranged, the permittee shall file with the Illinois Department of Agriculture an agreement to pay the full cost of any crop adjustment or appraisal so requested.

- D) The crops to be grown shall include those commonly grown on surrounding unmined cropland such as corn, soybeans, hay, sorghum, wheat, or oats. The Department may approve a hay crop use where this is a common use of unmined cropland in the surrounding area. Prime farmland and other cropland areas must include a minimum of one ~~foot~~ successful year of corn and if the Department has approved its use a maximum of one ~~foot~~ successful year each of hay, wheat and oat crops.

- 5) Wetland revegetation shall be deemed successful when:

- A) The wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631) have been achieved following sampling procedures

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specified in that manual, which does not include any later amendments or editions and is available for inspection and copying at the Department's office located at 524 S. Second Street, Springfield, Illinois 62701-1787 906---West Jefferson---Suite-300,-P-0,-Box-101377,-Springfield,-Illinois 62791-0137; and

B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30% percent. The testing procedure in Section 1816.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.

b) The person who conducts surface mining activities shall:

- 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a); and
- 2) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include but are not limited to crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and location and type of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Section: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1816.117 Revegetation: Tree and Shrub Vegetation

a) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of vegetation shall be determined on the basis of tree and shrub population and vegetative ground cover. Such parameters are described as follows:

- 1) Trees and shrubs that will be used in determining the success of vegetation and the adequacy of plant arrangement shall have

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utility for the approved post-mining land use. Tree and/or shrub population shall be considered successful if it meets the population required in subsection (b) below with ninety-~~90~~<sup>95</sup> percent statistical confidence (i.e., one-sided t test with a 0.10 alpha error) during the fifth year of the responsibility period or later in the responsibility period. On lands eligible for remining, the period of responsibility (until September 30, 2004) shall be two ~~2~~<sup>3</sup> full years. Trees and shrubs counted in determining such success shall be healthy, e.g., not demonstrating abnormal growth, coloring, leaf drop or disease. At the time of bond release such trees and shrubs shall be alive, and shall have been in place for at least three ~~3~~<sup>4</sup> growing seasons, i.e., three ~~3~~<sup>4</sup> years. Until September 30, 2004, on lands eligible for remining, trees and shrubs need not have been in place for three ~~3~~<sup>4</sup> years; however, such trees and shrubs shall not be counted in determining success during the same calendar year in which they were planted.

- 2) Vegetative ground cover shall not be less than required to achieve the approved post-mining land use and shall be adequate to control erosion and shall not be less than 70% during the last year of the responsibility period.
- 3) Permanent roads, parking lots and similar impervious structures on the revegetated area shall not require the planting of trees and shrubs or herbaceous ground cover. Erosion control structures, including pond embankments, shall not require the planting of trees and shrubs.
- 4) For purposes of this Section, herbaceous species means grasses, legumes and nonleguminous forbs; woody plants means woody shrubs, trees and vines; and ground cover means the area of ground covered by the combined aboveground parts of vegetation and the litter that is produced naturally on site.
- 5) For purposes of this Section, normal husbandry and conservation practices shall include pruning, disease, pest, vermin and herbaceous vegetation control including mowing, replanting, and rill and gully repairs. The replanting of trees and shrubs in areas described in 62 Ill. Adm. Code 1816.116(a)(2)(C) shall be limited to 20% of the original approved planting rate during the first year of the responsibility period and 10% of the original approved planting rate during the second year of the responsibility period. The repair of rills and gullies shall be limited to those approved as a normal conservation practice under 62 Ill. Adm. Code 1816.116(a)(2)(C), (D) and (E).
- b) For areas where woody plants are used for fish and wildlife habitat (including shelter belts), or recreation land uses, the area shall have a minimum population of two-hundred-and-fifty-~~250~~<sup>250</sup> trees or shrubs per acre. Planting arrangements such as hedgerows, border plantings, clump plantings, shelterbelts, and open herbaceous areas which increase diversity within wildlife areas may be approved by the

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Department on a case-by-case basis prior to planting such areas. Where woody plants are used for forest products land uses, the area shall have a minimum population of ~~four-hundred-and-fifty~~-t 450+ trees or shrubs per acre.

c) For areas planted to trees or shrubs including wildlife habitat (including shelter belts), recreation, and forest products land uses, the sampling procedure for measuring populations is described as follows:

- 1) The permittee shall submit a scale drawing or aerial photograph delineating the field(s) to be sampled and the total number of acres in each field. A one ~~1+~~ inch equals ~~five-hundred~~--t 500+ feet or larger scale shall be used. Once field boundaries are established in a submittal, the boundaries shall not be changed unless the Department approves a request in accordance with 62 Ill. Adm. Code 1774.13.
- 2) One of the following circular plot sizes shall be selected by the sample enumerator:

Plot Size/Acres	Radius/Feet
1/160	9.31
1/120	10.75
1/100	11.78
1/90	12.41
1/80	13.17
1/70	14.07
1/60	15.20
1/50	16.65
1/40	18.61
1/30	21.50
1/20	26.33
1/10	37.24
1/5	52.66
1/4	58.88

- 3) The number of plots needed to sample ~~2-5-percent-of~~ the area will not exceed 200 for areas of 50 acres or more. The number of plots needed to sample areas less than 50 acres in size will be calculated employing the following formula:

Number of Plots equals ~~2.5~~ percent multiplied by Sample Area in acres divided by plot size.

- 4) Based on the number of plots needed to be sampled and plot size, locate transect lines an equal distance apart throughout the area to be sampled. Position individual plots an equal distance apart along transect lines. Determine the total length of all transect lines combined and then divide by the total number of plots needed to be sampled. When an individual plot is positioned

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within ~~sixty~~-t 60+ feet of the boundary of the area to be sampled, the location of the plot shall be moved perpendicular to the transect line until the plot is ~~sixty~~-t 60+ feet from the boundary of the area to be sampled or the greatest distance possible where ~~sixty~~-t 60+ feet cannot be achieved.

- 5) Sample each plot for compliance with subsections (a)(1) and (b) and record live trees and/or shrubs and species.
- 6) Calculate population levels as follows:

- A) Average number of live trees and/or shrubs per plot equals: total number of live trees and/or shrubs divided by number of plots; and
- B) Number of live trees and/or shrubs per acre equals average number of live trees and/or shrubs per plot multiplied by plot size denominator.

- 7) Representatives of the Department shall administer all sampling. Vegetative ground cover shall be measured by the following technique:

- 1) Twenty ~~12+~~ random points shall be identified in the area to be tested.
- 2) A ~~twenty~~--t 20 ~~feet~~---foot engineer's tape shall be extended directly south of each point. If the tape extends beyond the boundary of the area to be tested or extends into an area where herbaceous ground cover has been controlled with herbicides to minimize competition with woody plants, the tape shall be rotated in ~~ninety~~--t 90+ degree increments until the entire ~~twenty~~-t ~~feet~~---foot length is within the boundary of the area to be tested, or area not treated with the herbicide.
- 3) A measurement shall be taken at each ~~two~~---tenths--t .2+ foot increment directly above or below the tape.
- 4) Ground cover shall be determined to be present if any vegetation identified in Section 1816.117(a)(4) is measured at the increment.
- 5) A percentage of ground cover shall be established for the area tested by taking the total number of measurements where ground cover was determined to be present.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Permit Applications--Minimum Requirements For Legal, Financial, Compliance, and Related Information

2) Code Citation: 62 Ill. Adm. Code 1778

3) Section Number: 1778.14  
Proposed Action: Amend

4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) that the existing regulation was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17(f)(1), the Department was instructed to provide program amendments to correct its defective regulations.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00

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p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1778

PERMIT APPLICATIONS--MINIMUM REQUIREMENTS  
FOR LEGAL, FINANCIAL, COMPLIANCE, AND RELATED INFORMATION

Section

- 1778.4 Responsibility (Repealed)
- 1778.11 Applicability (Repealed)
- 1778.13 Identification of Interests
- 1778.14 Violation Information
- 1778.15 Right of Entry Information
- 1778.16 Relationship to Areas Designated Unsuitable for Mining
- 1778.17 Permit Term
- 1778.18 Insurance
- 1778.20 Identification of Location of Public Office for Filing of Application (Repealed)

1778.21 Proof of Publication

1778.22 Facilities or Structures Used in Common

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 11 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9348; amended at 11 Ill. Reg. 8368, effective July 1, 1987; amended at 14 Ill. Reg. 11873, effective January 1, 1991; amended at 15 Ill. Reg. 17265, effective January 1, 1992; amended at 17 Ill. Reg. 11027, effective July 1, 1993; amended at 20 Ill. Reg. 2080, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1778.14 Violation Information

An application shall contain the following:

- a) A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant has:
  - 1) Had a Federal or State coal mining permit suspended or revoked in the last five (5) years preceding the date of submission of the application; or
  - 2) Forfeited a performance bond or similar security deposited in lieu of bond.
- b) If any such suspension, revocation, or forfeiture has occurred, a statement of the facts involved, including:
  - 1) Identification number and date of issuance of the permit and the date and amount of bond or similar security;
  - 2) Identification of the authority that suspended or revoked a permit or forfeited a bond and the stated reasons for that

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action;

- 3) The current status of the permit, bond, or similar security involved;
- 4) The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and
- 5) The current status of these proceedings.

c) A list of all violation notices received by the applicant during the three-year period preceding the application date, and a list of all outstanding violation notices received prior to the date of the application by any surface coal mining operation that is deemed or presumed to be owned or controlled by either the applicant or any person who is deemed or presumed to own or control the applicant under the definition of "owned or controlled" and "owns or controls" in 62 Ill. Adm. Code 1843.12 or under a Federal or State program for which the abatement period has not expired, the applicant shall certify that such notice of violation is in the process of being corrected to the satisfaction of the agency with jurisdiction over the violation. For each violation notice reported, the list shall include the following information as applicable: For any violation of a provision of the Federal Act (Surface Mining Control and Reclamation Act of 1977--30 U.S.C. 1201-et-seq.), a provision of a state regulatory program approved pursuant to the Federal Act or of any law, rule or regulation of the United States or of any state pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violation notices received by the applicant during the three (3) year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the list shall include the following information as applicable:

- 1) Any identifying numbers for the operation, including the Federal or State permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department or agency;
- 2) A brief description of the violation alleged in the notice;
- 3) The date, location, and type of any administrative or judicial proceedings initiated concerning the violation, including, but not limited to, proceedings initiated by any person identified in subsection (c) to obtain administrative or judicial review of the violations;
- 4) The current status of the proceedings and of the violation notice; and
- 5) The actions, if any, taken by any person identified in subsection

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- (c) to abate the violation.
- d) Information about the applicant's present financial condition which would provide assurance to the Department that no further forfeiture would be expected.
- e) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant shall, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under this Section. Information submitted as a change shall be evaluated in the same manner as the original application.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Requirements For Permits and Permit Processing
- 2) Code Citation: 62 Ill. Adm. Code 1773
- 3) Section Number: Proposed Action:  
1773.11 Amend  
1773.15 Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A complete description of the subjects and issues involved: Section 1773.11(a) is corrected to reflect the merging of the Department of Mines and Minerals into the Department of Natural Resources.
- The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) that the existing regulation was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to require a permit finding prior to allowing permittees to take advantage of the provisions of 62 Ill. Adm. Code 1816.116(a)(2)(B).

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.



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Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

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## NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## PART 1773

## REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section	Scope and Purpose
1773.1	Definitions
1773.5	Requirements to Obtain Permits
1773.11	Regulatory Coordination with Requirements under Other Laws
1773.12	Public Participation in Permit Processing
1773.13	Opportunity for Public Hearing
1773.14	Review of Permit Applications
1773.15	Permit Conditions
1773.17	Permit Issuance and Right of Renewal
1773.19	Improviently Issued Permits: General Procedures
1773.20	Improviently Issued Permits: Rescission Procedures
1773.21	Verification of Ownership or Control Application Information
1773.22	Review of Ownership or Control and Violation Information
1773.23	Procedures for Challenging Ownership or Control Links Shown in the Applicant Violator System
1773.24	Standards for Challenging Ownership or Control Links and the Status of Violations
1773.25	

**AUTHORITY:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

**SOURCE:** Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991; amended at 15 Ill. Reg. 17274, effective January 1, 1992; amended at 15 Ill. Reg. 17998, effective January 1, 1992; amended at 17 Ill. Reg. 11063, effective July 1, 1993; amended at 20 Ill. Reg. 2090, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1773.11 Requirements to Obtain Permits**

## a) All operations.

On and after February 1, 1983, no person shall engage in or carry out any surface coal mining operations on non-Federal or non-Indian Lands within the State, unless such person has first been issued a permanent regulatory program permit by the Illinois Department of Natural Resources Mines-and-Minerals (Department), except as provided for in subsection (b). A permittee need not renew the permit if no surface coal mining operations will be conducted under the permit and solely reclamation activities remain to be done. Obligations established under a permit continue until completion of surface coal mining and reclamation operations, regardless of whether the authorization to

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conduct surface coal mining operations has expired or has been terminated, revoked, or suspended.

b) Continuation of interim regulatory program operations.

1) A person authorized to conduct surface coal mining and reclamation operations under a permit issued or amended by the Department in accordance with the requirements of the interim regulatory program may conduct such operations beyond February 1, 1983, if:

A) Not later than August 3, 1982, regardless of litigation contesting that program, an application for a permanent regulatory program permit is filed for any operation to be conducted after February 1, 1983, in accordance with the provisions of the permanent program;

B) The Department has not yet rendered an initial administrative decision approving or disapproving the permit; and

C) The surface coal mining and reclamation operation is conducted in compliance with the requirements of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (Federal Act), the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720] ~~§§11-14~~ ~~Rev. Stat. 1909, ch. 96-1/2, pars. 7901-01 et seq.~~ (State Act), 62 Ill. Adm. Code 1800 through 1850 and all terms and conditions of the interim program permit.

2) No new interim program permits shall be issued.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1773.15 Review of Permit Applications

a) General.

1) The Department shall review the application for a permit, revision, or renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application and issue a written decision, in accordance with Section 1773.19, either granting, requiring modification of, or denying the application. If a public hearing is held under Section 1773.14, the decision shall be made within ~~sixty~~ 60 days after ~~of~~ the close of the public hearing, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3) below.

2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.

.; Review of violations.

1) Based on a review of all reasonably available information concerning violation notices and ownership or control links

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involving the applicant, including information obtained pursuant to Sections 1773.22, 1773.23, 1778.13 and 1778.14, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act, any State or Federal regulation promulgated pursuant thereto, a State program, or any federal or State law or regulation pertaining to air or water environmental protection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under a Federal or State program is being corrected to the satisfaction of the agency with jurisdiction over the violation where the abatement period for such notice of violation has not yet expired and when, as part of the violation information provided pursuant to 62 Ill. Adm. Code 1778.14, the applicant has provided certification that such violation is in the process of being so corrected. Such presumption shall not apply where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine land reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:

A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or

B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit or district court reviewing the violation, pursuant to 62 Ill. Adm. Code 1847.4(p), 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) above within ~~thirty~~ 30 days after of the court's decision.

2) Any permit that is issued on the basis of a presumption supported by certification under 62 Ill. Adm. Code 1778.14 that a violation is in the process of being corrected, on the basis of proof submitted under subsection (b)(1)(A) of this Section that a violation is in the process of being corrected, or pending the outcome of an appeal described in subsection (b)(1)(B) of this Section, shall be conditionally issued.

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- 3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Acts of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Acts, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code 1847.3.
- c) Written findings for permit application approval.
- No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

- 1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.
- 2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.
- 3) The proposed permit area or the proposed shadow area for a planned subsidence operation is:
  - A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or
  - B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or subject to the prohibitions or limitations of 62 Ill. Adm. Code 1761.11 and 1761.12.
- 4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).
- 5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.
- 6) The applicant has demonstrated that any existing structure will

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- comply with 62 Ill. Adm. Code 1700.11(d).
- 7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.
  - 8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.
  - 9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).
  - 10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
  - 11) For a proposed remaining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106, 1816.116(a)(2)(B), 1816.117(a)(2)(B), or 1817.106, or the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701 Appendix A.
  - 12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that the Department has determined that no additional measures are necessary.
- d) Expiration of findings.
- Written findings issued by the Department approving a permit application shall expire within one (1) year from the date of issuance if the permit has not been issued based upon the applicant's failure to submit permit fees in accordance with 62 Ill. Adm. Code 1777.17 or a performance bond in accordance with 62 Ill. Adm. Code 1800.11. When written findings expire, the Department will take no further action on the permit application. Should the applicant choose to resume permitting activity for the area in question, a new permit application must be submitted in accordance with the requirements of this Part.
- e) Final compliance review.
- After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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1) Heading of the Part: Requirements For Permits For Special Categories of Mining

2) Code Citation: 62 Ill. Adm. Code 1785

3) Section Number: Proposed Action:  
1785.17 Amend

4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) on October 30, 1997 that the existing regulation was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations.

In order to be no less effective than its federal counterpart, Section 1785.17(e)(5) is proposed to be added to ensure that all prime farmland affected by surface mining operations is reclaimed to prime farmland and that the consent of the property owners is obtained.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Comments must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1785  
REQUIREMENTS FOR PERMITS FOR SPECIAL CATEGORIES OF MINING

Section	Scope
1785.1	Objective
1785.2	Experimental Practices Mining
1785.13	Mountaintop Removal Mining
1785.14	Steep Slope Mining
1785.15	Permits Incorporating Variances From Approximate Original Contour
1785.16	Restoration Requirements
1785.17	Prime Farmlands
1785.18	Variances for Delay in Contemporaneous Reclamation Requirement in Combined Surface and Underground Mining Activities
1785.20	Augering
1785.21	Coal Preparation Plants Not Located Within the Permit Area of a Mine
1785.22	In Situ Processing Activities
1785.23	Minor Underground Mine Facilities Not at or Adjacent to the Processing or Preparation Facility or Area

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 111. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 15930; amended at 9 Ill. Reg. 13324, effective October 10, 1985; amended at 11 Ill. Reg. 8416, effective July 1, 1987; amended at 17 Ill. Reg. 11075, effective July 1, 1993; amended at 20 Ill. Reg. 2107, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 111. Reg. 16192; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1785.17 Prime Farmlands

- a) Scope
- 1) This Section applies to any person who conducts or intends to conduct surface coal mining and reclamation operations on prime farmlands historically used for cropland.
  - 2) This Section does not apply to:
    - A) Lands on which surface coal mining and reclamation operations are conducted pursuant to any permit issued prior to August 3, 1977; or
    - B) Lands on which surface coal mining and reclamation operations are conducted pursuant to any renewal or revision of a permit issued prior to August 3, 1977; or

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- C) Lands included in any existing surface coal mining operations for which a permit was issued for all or any part thereof prior to August 3, 1977, provided that:
- i) Such lands are part of a single continuous surface coal mining operation begun under a permit issued before August 3, 1977; and
  - ii) The permittee had a legal right to mine the lands prior to August 3, 1977, through ownership, contract, or lease but not including an option to buy, lease or contract; and
  - iii) The lands contain part of a continuous recoverable coal seam that was being mined in a single continuous mining pit (or multiple pits if the lands are proven to be part of a single continuous surface coal mining operation) begun under a permit issued prior to August 3, 1977.
- 3) For the purposes of this Section:
- A) "Renewal" of a permit shall mean a decision by the Department to extend the time by which a permittee may complete mining within the boundaries of the original permit and "revision" of the permit shall mean a decision by the Department to allow changes in the method of mining operations within the original permit area, or the decision of the Department to allow amendment, pursuant to State law, prior to June 1, 1982, or other incidental boundary changes to the original permit;
  - B) A pit shall be deemed to be a single continuous mining pit even if portions of the pit are crossed by a road, pipeline, railroad, or powerline or similar crossing;
  - C) A single continuous surface coal mining operation is presumed to consist only of a single continuous mining pit under a permit issued prior to August 3, 1977, but may include non-contiguous parcels if the operator can prove by clear and convincing evidence that, prior to August 3, 1977, the non-contiguous parcels were part of a single permitted operation. For the purpose of the paragraph, clear and convincing evidence includes, but is not limited to, contracts, leases, deeds or other properly executed documents (not including options) that specifically treat separate parcels as one surface coal mining operation.
- 4) All applicants for an exemption shall supply the Department with a scale map of the area proposed to be exempted, delineating all prime farmland soils and showing the total number of acres proposed for exemption to the nearest acre, and the numbers of acres of each prime farmland soil type in the area proposed to be exempted.
- b) Application contents--reconnaissance inspection.
- 1) All permit applications, whether or not prime farmland is

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present, shall include the results of a reconnaissance inspection of the proposed permit area to indicate whether prime farmland exists. The reconnaissance inspection shall be either a review of an existing soil survey for the proposed permit area or an on-site inspection of the proposed permit area. The Department shall consult with the Natural Resources Conservation Service to determine the nature and extent of the required reconnaissance inspection.

2) If the reconnaissance inspection establishes that no land within the proposed permit area is prime farmland historically used for cropland, the applicant shall submit a statement that no prime farmland is present. The statement shall identify the basis upon which such a conclusion was reached.

3) In those cases where an on-site inspection of the proposed permit area was the type of reconnaissance inspection conducted, the applicant shall have a soil survey made of the lands within the permit area which the reconnaissance inspection indicates could be prime farmland. In those cases where a review of an existing soil survey was the type of reconnaissance inspection conducted, the applicant shall have the soil survey revised, if necessary, to meet the standards of subsection (c)(1). Soil surveys of the detail used by the Natural Resources Conservation Service for operational conservation planning shall be used to identify and locate prime farmland soils, as specified in subsection (c)(1)(A).

A) If the soil survey indicates that no prime farmland soils are present within the proposed permit area, subsection (c)(b)(2) shall apply.

B) If the soil survey indicates that prime farmland soils are present within the proposed permit area, subsection (c) shall apply.

c) Application contents for prime farmland.

All permit applications for areas in which prime farmland has been identified, within the proposed permit area, shall include the following:

1) A soil survey of the permit area according to the standards of the National Cooperative Soil Survey and in accordance with the procedures set forth in U.S. Department of Agriculture Handbooks 436 (Soil Taxonomy, 1975) and 18 (Soil Survey Manual, 1993);

A) These publications are hereby incorporated by reference as they exist on the date of adoption of this Part. Agriculture Handbooks 436 (Soil Taxonomy) and 18 (Soil Survey Manual) are on file and available for inspection at the Office of Surface Mining and Reclamation (OSMRE) Central Office, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C., at each OSM Technical Center and Field Office. Copies of these publications may also be obtained by written request to the above locations. Copies

## DEPARTMENT OF NATURAL RESOURCES

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of these documents are also available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 001-000-04611-0 (Soil Survey Manual) and Stock Number 001-000-04612-8 (Soil Taxonomy). In addition, these documents are available for inspection at the national, state, and local offices of the Natural Resources Conservation Service, U.S. Department of Agriculture (USDA) and at the Federal Register Library, 1100 L Street, N.W., Washington, D.C. Copies of these documents will be available for public review and copying at cost at the Office of the Secretary of State, and at the Springfield and Benton office of the Land Reclamation Division of the Department.

B) The soil survey shall include a description of soil mapping units and a representative soil profile as determined by the Natural Resources Conservation Service, including, but not limited to, soil horizon depths, pH, and range of soil densities for each prime farmland soil map unit within the permit area. Other representative soil profile descriptions from the locality, prepared according to the standards of the National Cooperative Soil Survey, may be used if their use is approved by the State Conservationist of the Natural Resources Conservation Service. The Department shall request the operator to provide information on other physical and chemical soil properties as needed to make a determination that the operator has the technological capability to restore the prime farmland within the permit area to the soil reconstruction standards of 62 Ill. Adm. Code 1823.

2) A plan for soil reconstruction, replacement and stabilization for the purpose of establishing the technological capability of the mine operator to comply with the requirements of 62 Ill. Adm. Code 1823.

3) Scientific data, such as agricultural school studies, for areas with comparable soils, climate, and management that demonstrate that the proposed method of reclamation, including the use of soil mixtures or substitutes, if any, will achieve, within a reasonable time, levels of yield equivalent to, or higher than, those of nonmined prime farmland in the surrounding area.

4) The productivity prior to mining, including the average yield of food, fiber, forage, or wood products obtained under a high level of management.

d) Consultation with the State Conservationist.

1) Before any permit is issued for areas that include prime farmlands, the Department shall consult with the State Conservationist of the Natural Resources Conservation Service. The State Conservationist shall provide for the review of, and comment on the proposed method of soil reconstruction in the plan



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submitted under subsection (c). If the State Conservationist considers those methods to be inadequate, he or she shall suggest revisions resulting in more complete and adequate reconstruction. In keeping with the time limitations imposed by these regulations, the State Conservationist's response will be expected within thirty (30) days after of the last publication of the newspaper advertisement placed by the applicant. The State recognizes that the permit cannot be issued without the required consultation with USDA.

- 2) The State Conservationist shall provide to the Department a list of prime farmland soils, their location, physical and chemical characteristics, crop yields, and associated data necessary to support adequate prime farmland soil descriptions.
- 3) The State Conservationist shall assist the Department in determining the adequacy of all soil surveys required in subsection (b)(1).

## e) Issuance of permit.

A permit for the mining and reclamation of prime farmland may be granted by the Department, if it first finds, in writing, upon the basis of a complete application, that:

- 1) The approved proposed post-mining land use of these prime farmlands will be cropland;
- 2) The permit incorporates as specific conditions the contents of the plan submitted under subsection (c), after consideration of any revisions to that plan suggested by the State Conservationist under subsection (d);
- 3) The applicant has the technological capability to restore the prime farmland, within a reasonable time, to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management; and
- 4) The proposed operations will be conducted in compliance with the requirements of 62 Ill. Adm. Code 1823 and other environmental protection performance and reclamation standards for mining and reclamation of prime farmland of the regulatory program; and
- 5) The aggregate total prime farmland acreage shall not be decreased from that which existed prior to mining. Water bodies, if any, to be constructed during mining and reclamation must be located within the post-reclamation non-prime farmland portions of the permit area. The creation of any such water bodies must be approved by the Department and the consent of all affected property owners within the permit area must be obtained.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights
- 2) Code Citation: 62 Ill. Adm. Code 1774
- 3) Section Number: Proposed Action:  
1774.11 Amend  
1774.13 Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A complete description of the subjects and issues involved:  
Section 1774.11(a) is corrected to reflect the merging of the Department of Mines and Minerals into the Department of Natural Resources.
- 6) Section 1774.13(b)(3) is being changed to correct errors in referenced regulations.
- 7) Will this proposed rule replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do these proposed amendments contain incorporations by reference? No
- 10) Are there any other amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00

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NOTICE OF PROPOSED AMENDMENTS  
TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1774  
REVISION; RENEWAL; AND TRANSFER, ASSIGNMENT, OR SALE OF PERMIT RIGHTS

Section	Scope and Purpose
1774.1	Department Review of Permits
1774.11	Permit Revisions
1774.13	Permit Renewals
1774.15	Transfer, Assignment, or Sale of Permit Rights
1774.17	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 11 Ill. Reg. 8469, effective July 1, 1987; amended at 14 Ill. Reg. 11900, effective January 1, 1991; amended at 15 Ill. Reg. 17284, effective January 1, 1992; amended at 17 Ill. Reg. 11083, effective July 1, 1993; amended at 20 Ill. Reg. 2118, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1774.11 Department Review of Permits

- a) The Illinois Department of Natural Resources ~~Mines--and--Minerals~~ (Department) shall review each permit issued and outstanding under the regulatory program during the term of the permit. This review shall occur not later than the middle of each permit term and as follows:
- 1) Permits with a term longer than five (5) years shall be reviewed no less frequently than the permit midterm or every five (5) years, whichever is more frequent.
  - 2) Permits with variances granted in accordance with 62 Ill. Adm. Code 1785.14 (mountaintop removal) and 62 Ill. Adm. Code 1785.18 (variance for delay in contemporaneous reclamation requirement in combined surface and underground mining operations) shall be reviewed no later than three (3) years from the date of issuance of the permit unless, for variances issued in accordance with 62 Ill. Adm. Code 1785.14, the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the permit.
  - 3) Permits containing experimental practices issued in accordance with 62 Ill. Adm. Code 1785.13 and permits with a variance from approximate original contour requirements in accordance with 62 Ill. Adm. Code 1785.16 shall be reviewed as set forth in the permit or at least every ~~two-and-one-half~~ 2 1/2 years from the date of issuance as required by the Department, in accordance with 62 Ill. Adm. Code 1785.13(g) and 1785.16(c), respectively.
- b) After the review required by subsection (a) above, or at any time, the

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p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

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Department may, by order, require revision of a permit in accordance with Section 1774.13 to ensure compliance with the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.) (federal Act) and the regulatory program.

- c) Any order of the Department requiring revision of a permit shall be based upon written findings and shall be subject to the provisions for administrative and judicial review in 62 Ill. Adm. Code 1847.3. Copies of the order shall be sent to the permittee within five (5) working days after of issuance.

- d) Permits may be suspended or revoked in accordance with 62 Ill. Adm. Code 1840 through 1845.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1774.13 Permit Revisions

- a) During the term of a permit, the permittee may submit an application to the Department for a revision of the permit. Such application may be made on the standard Department permit form; however, only those sections of the form which pertain to the revision in question must be completed.

- b) Application Requirements and Procedures.

- 1) The Department will approve or disapprove applications for insignificant revisions within ~~ninety~~ 90 days after receipt of the application; applications for significant revision will be acted upon in accordance with 62 Ill. Adm. Code 1773.13 and 1773.15.

- 2) A significant revision to a permit shall be obtained for changes in the surface coal mining or reclamation operations described in the original application and approved under the original permit, when such changes constitute a significant departure from the method of conduct of mining or reclamation operations contemplated by the original permit. For purpose of these requirements, significant departures from the methods or conduct of mining or reclamation operations include any change in such mining or reclamation operations, except the following, if not contemplated or provided for in the original permit:

- A) For surface mines, changes of direction of mining or location of mining equipment within the permit area;  
 B) Substitution of mining equipment designed for the same purpose, the use of which is not detrimental to achievement of final reclamation or subsidence control;  
 C) For underground mines, any change in direction or location of mining within the permit area or shadow area, in response to unanticipated events;  
 D) Any other change in operations, methods, or conduct of mining described in writing to the Department which the

## DEPARTMENT OF NATURAL RESOURCES

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Department excuses in writing from requirement of revision on a case-by-case basis after determining that the described change will have no significant potential adverse impact on the achievement of final reclamation plans or subsidence control plans or upon the surrounding area;

- E) Any alteration in the reclamation plan or reclamation operations which does not involve significant delay or significant change in land use described in writing to the Department and excused from this requirement of revision on a case-by-case basis. A significant revision shall be required for land use changes involving greater than 5% of the original total permit acreage. Alternative land use proposals shall comply with 62 Ill. Adm. Code 1816.133 or 1817.133, and shall be approved only after consultation with the landowner or the land management agency with jurisdiction over the lands. The 5% limit shall be a cumulative total from permit issuance until final bond release, except as follows:

- i) The 5% limit shall restart upon the issuance of a significant revision that addresses all previous land use changes approved under this Part; and
- ii) The total permit acreage used to determine the 5% limit shall include incidental boundary revisions (IBRs) if the IBRs have been addressed previously in a significant revision; or
- F) Any temporary change in operations, subsidence control or reclamation plans necessitated by unanticipated and unusually adverse weather conditions, other acts of God, strikes, or other cause beyond the reasonable control of the permittee, after review and approval by the Department in writing, provided that all steps specified by the Department to maximize environmental protection are taken.

- 3) All significant permit revision applications shall meet the requirements of 62 Ill. Adm. Code 1773.13, 1773.19(b)(1)-(3) and 1778.21.

- c) No application for a permit revision shall be approved unless the application demonstrates and the Department finds that reclamation as required by the Act and the regulatory program can be accomplished, applicable requirements under 62 Ill. Adm. Code 1773.15(c) which are pertinent to the revision are met, and the application for a revision complies with all requirements of the Act and the regulatory program.

- d) Extensions of the permit area, except for incidental boundary revisions, shall be made by application for a new permit, and shall not be approved under this Part. Extensions of the shadow area, except for incidental boundary revisions, shall be made and approved pursuant to the requirements of this Part. Application for incidental boundary revisions shall be made pursuant to subsection 1774.13(a) above. Incidental boundary revisions are those which:



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- 1) Constitute a relatively small percentage of the initial permit acreage;
- 2) Are contiguous with the permit or shadow area acreage, except that isolated long-term support facilities associated with underground mining activities need not be contiguous provided such facilities do not include coal preparation or coal waste disposal areas. Non-contiguous incidental boundary revisions shall be subject to the performance standards of 62 Ill. Adm. Code 1817.182;
- 3) Are required for the orderly and continuous mining operation;
- 4) Would be reclaimed in conformity with the initial plan, except where provided under subsection (d)(2) above;
- 5) For the purpose of this section, incidental boundary changes are described as follows:

Original Permit Acres	Maximum Size of Boundary Changes-Acres
Up to 10	1
Up to 25	2.5
Up to 50	5
Up to 75	7.5
Up to 100	10
Over 100	20

The maximum size for acreage additions to approved non-contiguous incidental boundary revision areas, as described in subsection (d)(2) above, shall be based upon the original boundary revision acreage, not the original permit acreage;

- 6) Notice of an incidental boundary revision application shall be published in a local newspaper in the area of the proposed activities. The notice shall describe the general area of the proposed activities and shall state the name and business address of the permittee, the address of the Department at which written comments on the application may be submitted and the closing date of the comment period. In no case shall the public comment period be less than seven (7) days. In order to process the incidental boundary revision application, proof of such publication must be submitted to the Department. The notice requirements of this subsection shall not apply to unplanned subsidence areas.

- e) A determination as to what constitutes a significant departure shall be made by the Department in consultation with the permittee. Changes which do not alter the final reclamation or mining plan are considered minor and do not require permit revision. However, any request for such changes shall be included in a written request to the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Special Permanent Program Performance Standards--Operations On High Capability Lands
- 2) Code Citation: 62 Ill. Adm. Code 1825
- 3) Section Number: 1825.11  
Proposed Action: Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A complete description of the subjects and issues involved: Section 1825.11 has been revised to require that crop testing on high capability land be initiated under the same time frame requirements as prime farmland, due to their similarities. In addition, changes have been made to reflect agency name changes.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217) 782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

## DEPARTMENT OF NATURAL RESOURCES

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

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TITLE 62: MINING

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## PART 1825

SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS---  
OPERATIONS ON HIGH CAPABILITY LANDS

## Section

- 1825.11 High Capability Lands: Special Requirements  
1825.12 High Capability Lands: Soil Removal  
1825.13 High Capability Lands: Soil Stockpiling  
1825.14 High Capability Lands: Soil Replacement

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; emergency amendment at 6 Ill. Reg. 8502, effective July 1, 1982, for a maximum of 150 days; codified at 8 Ill. Reg. 9363; amended at 6 Ill. Reg. 9987, effective September 3, 1982; amended at 10 Ill. Reg. 9628, effective July 1, 1986; amended at 11 Ill. Reg. 8526, effective July 1, 1987; amended at 20 Ill. Reg. 2130, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1825.11 High Capability Lands: Special Requirements**

All high capability lands to be mined and reclaimed shall meet the following requirements, or meet the requirements of 62 Ill. Adm. Code 1816.133:

- a) A permit shall be obtained for these operations as required by 62 Ill. Adm. Code 1773;
- b) Darkened surface soil materials to be used in the reconstruction of high capability lands shall be removed before drilling for blasting or mining or other surface disturbances, in accordance with Section 1825.12 and in a manner that prevents mixing or contaminating these materials with undesirable material. Where removal of soil materials results in erosion that may cause air and water pollution, the Illinois Department of Natural Resources ~~Mines--and--Minerals~~ (Department) shall specify methods to control erosion of exposed overburden;
- c) Revegetation success on high capability lands shall be measured in accordance with 62 Ill. Adm. Code 1816.116, except that the five (5) year period of responsibility for revegetation shall commence at the date of initial planting of the crop being grown only in cases where the operator has chosen to show success of revegetation by using the land to grow crops. Measurement of success of revegetation shall be initiated within ten years after completion of backfilling and final grading on high capability land; and
- d) The requirements of this Part are in addition to the other

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requirements of these regulations.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Special Program Performance Standards--Operations on Prime Farmland

2) Code Citation: 62 Ill. Adm. Code 1823

3) Section Number: Proposed Action:  
1823.1 Amend  
1823.11 Amend  
1823.12 Amend  
1823.14 Amend

4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) A complete description of the subjects and issues involved: The Illinois Department of Natural Resources, Office of Mines and Minerals (Department), was notified by the federal Office of Surface Mining (OSM) on October 30, 1997 that Section 1823.1 was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations. In order to be no less effective than its federal counterpart, Section 1823.1 is proposed to be amended to ensure that all prime farmland affected by surface mining operations is reclaimed to prime farmland and to delete the blanket exemption for underground mines. In addition, Section 1823.14 is being changed to reflect the agency name change from Soil Conservation Service to Natural Resources Conservation Service.

Section 1823.11: The Department was notified by the federal Office of Surface Mining on October 30, 1997 that Section 1823.11 was less effective than its federal counterpart as required by the federal Surface Mining Control and Reclamation Act. In accordance with 30 CFR 732.17 (f)(1), the Department was instructed to provide program amendments to correct its defective regulations. In order to be no less effective than its federal counterpart, Section 1823.11 is proposed to be amended to ensure that all prime farmland affected by surface mining operations is reclaimed to prime farmland and to provide an exemption mechanism for underground mines.

The Department was advised on June 17, 1997 that the counterpart federal regulation to Section 1823.12 was changed. The State regulation is being revised to be as effective as the federal regulation.

The Department was advised on June 17, 1997 that the counterpart federal regulation to Section 1823.14 was changed. The State regulation is being revised to be as effective as the federal regulation. Section 1823.14(g) has been corrected to change the Soil Conservation Service to the Natural



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Resources Conservation Service.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
Telephone: (217)782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
MINES-AND-MINERALS

PART 1823  
SPECIAL PROGRAM PERFORMANCE STANDARDS--  
OPERATIONS ON PRIME FARMLAND

Section	Scope
1823.1	Objective
1823.2	Prime Farmland: Applicability Special-Requirements
1823.11	Prime Farmland: Soil Removal
1823.12	Prime Farmland: Soil Stockpiling
1823.13	Prime Farmland: Soil Replacement
1823.14	Prime Farmland: Revegetation
1823.15	

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; emergency amendment at 6 Ill. Reg. 8502, effective July 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 9987, effective September 3, 1982; codified at 8 Ill. Reg. 9361; amended at 10 Ill. Reg. 9631, effective July 1, 1986; amended at 15 Ill. Reg. 17289, effective January 1, 1992; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1823.1 Scope

This Part sets forth special environmental protection performance, reclamation, and design standards for surface coal mining and reclamation operations on prime farmland. ~~Y--except--this Part does not apply to any underground-mining operations or activities, nor except as expressly indicated or required by the Department in a permit to the surface facilities and activities of surface mining that do not involve drilling, blasting or mining.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1823.11 Prime Farmland: Applicability Special-Requirements

The requirements of this Section shall not apply to: Surface--coal--mining--and reclamation--operations--conducted--on--prime--farmland--shall--meet--the--following requirements:

- a) Coal preparation plants, support facilities, and roads of underground mines that are actively used over extended periods of time and where uses affect minimal amount of land. Such uses shall meet the requirements of 62 Ill. Adm. Code 1817 for underground mining

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- activities. A--permit--shall--be--obtained--for--those--operations--under--62 Ill. Adm. Code 1785.17--and
- b) Disposal areas containing coal mine waste resulting from underground mines that is not technologically and economically feasible to store in underground mines or on non-prime farmland. The operator shall minimize the area of prime farmland used for such purposes. Soil materials--to--be--used--in--the--reconstruction--of--the--prime--farmland--soil shall--be--removed--before--drilling--or--mining--in--accordance with--Section--1823.12--and--in--a--manner--that--prevents--mixing--or contaminating--these--materials--with--undesirable--material--where removal--of--soil--materials--results--in--erosion--that--may--cause--air--and water--pollution--the--Department--shall--specify--methods--to--control erosion--of--exposed--overburden
- c) Prime farmland that has been excluded in accordance with 62 Ill. Adm. Code 1785.17(a).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1823.12 Prime Farmland: Soil Removal

- a) Surface coal mining and reclamation operations on prime farmland shall be conducted to:
- 1) Separately remove the entire A horizon or other suitable soil materials which will create a final soil having an equal or greater productive capacity than that which existed prior to mining;
  - 2) Separately remove, or assure proper placement during mining, the B horizon of the soil, a combination of B horizon and underlying C horizon, or other suitable soil material that will create a reconstructed soil of equal or greater productive capacity than which existed before mining; and
  - 3) Separately remove, the underlying C horizons, other strata, or a combination of horizons or other strata, to be used instead of the B horizon. When replaced, these combinations shall be equal to or more favorable for plant growth than the B horizon.
- b) The minimum depth of soil and soil material to be removed for use in reconstruction of prime farmland soils shall be sufficient to meet the soil replacement requirements of Section 1823.14(a).
- c) The B and/or C horizons may be left in place for surface disturbance areas if the Department determines the soil capability can be retained.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1823.14 Prime Farmland: Soil Replacement

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Surface coal mining and reclamation operations on prime farmland shall be conducted according to the following:

- a) Requirements
- 1) The minimum depth of soil and soil material to be reconstructed for prime farmland shall be ~~forty-eight~~ 48 inches except where a natural rock formation occurs at shallower depths. The Department shall specify a depth greater than ~~forty-eight~~ 48 inches wherever necessary to restore productive capacity due to uniquely favorable soil horizons at greater depths; and
  - 2) Subsections ~~Section 1823.14~~ (a)(1) and (d) shall not apply to prime farmland fragipan soils. Prime farmland fragipan soil shall be reconstructed in accordance with 62 Ill. Adm. Code 1825.14(a)(1), (a)(2), (a)(3), and (a)(5). For the purposes of this provision, prime farmland fragipan soils are specific soils classified as prime farmland that are underlain with a diagnostic subsurface horizon designated as a fragipan by the Soil Conservation Service of the U.S. Department of Agriculture according to the criteria set in Soil Taxonomy, U.S.D.A. Handbook AH 436, including the following soils found in Illinois: Ava, Grantsburg, and Hosmer series as defined by the Soil Interpretation Sheets of the Natural Resources Soil Conservation Service;
  - b) Replace soil material only on land which has been first returned to final grade and scarified according to 62 Ill. Adm. Code 1816.101 through 1816.105 or 62 Ill. Adm. Code 1817.101 through 1817.105, unless site-specific evidence is provided and approved by the Department showing that scarification will not enhance the capability of the recommended soil to achieve equivalent or higher levels of yield;
  - c) Replace the soil horizons or other suitable soil material in a manner that avoids excessive compaction;
  - d) Replace the B horizon or other suitable material specified in Section 1823.12(a)(2) and (a)(3) to the thickness needed to meet the requirements of subsection paragraph (a) of this Section;
  - e) Replace the A horizon or other suitable soil materials specified in Section 1823.12(a)(1) as the final surface soil layer. This surface soil layer shall equal or exceed the thickness of the original soil, as determined in 62 Ill. Adm. Code 1785.17(b)(1)(B) and be replaced in a manner that protects the surface layer from wind and water erosion before it is seeded or planted;
  - f) Apply nutrients and soil amendments as needed to quickly establish vegetative growth;
  - g) Prime farmland shall have a planned erosion control system if expected soil loss from row crop production will exceed the tolerable soil loss limits as defined by "Resource Conservation Planning Technical Material-IL-4" (May 12, 1977). "Resource Conservation Planning Technical Material-IL-4", issued by the U.S. Department of Agriculture, Natural Resources Soil Conservation Service, located at

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1902 Fox Drive, Champaign, Illinois 61820, is hereby incorporated by reference and does not include later editions or amendments. Terrace systems, when utilized as part of a planned erosion control system, shall be constructed according to U.S. Department of Agriculture, Natural Resources Soil Conservation Service specifications. Erosion control plans in compliance with this subsection shall be submitted to and approved by the Department after final grading based on seasonal factors, the extent of the area, and the sophistication of the erosion control plan.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: State Processes For Designating Areas Unsuitable for Surface Coal Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1764
- 3) Section Number: Proposed Action:  
1764.13 Amend  
1764.15 Amend
- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) A complete description of the subjects and issues involved:

Section 1764.13(a) is being corrected to reflect the merging of the Department of Mines and Minerals into the Department of Natural Resources.

Sections 1764.15(c)(1), (2) and (3) are being amended to reflect changes that were made to the Surface Coal Mining Land Conservation and Reclamation Act to implement the merging of the Department of Energy and Natural Resources and the Department of Mines and Minerals into the Department of Natural Resources.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

11) Time, place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
Illinois Department of Natural Resources  
524 South Second Street  
Springfield, IL 62701  
(217) 782-1809

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.



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Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance:  
None
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF PROPOSED AMENDMENTS

TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES MINES-AND-MINERALS

PART 1764  
STATE PROCESSES FOR DESIGNATING AREAS UNSUITABLE  
FOR SURFACE COAL MINING OPERATIONS

- Section  
1764.11 General Process Requirements  
1764.13 Petitions  
1764.15 Initial Processing, Recordkeeping, and Notification Requirements  
1764.17 Hearing Requirements  
1764.19 Decision  
1764.21 Data Base and Inventory System Requirements  
1764.23 Public Information  
1764.25 Regulatory Authority Responsibility for Implementation

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 8510; amended at 11 Ill. Reg. 8567, effective July 1, 1987; amended at 17 Ill. Reg. 11114, effective July 1, 1993; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1764.13 Petitions

- a) Right to petition. Any person having an interest which is or may be adversely affected has the right to petition the Illinois Department of Natural Resources Mines-and-Minerals (Department) to have an area designated as unsuitable for surface coal mining operations, or to have an existing designation terminated. For the purpose of this action, a person having an interest which is or may be adversely affected must demonstrate how he or she meets an "injury in fact" test by describing the injury to his or her specific affected interests and demonstrate how he or she is among the injured.
- b) Designation. The Department shall determine what information must be provided by the petitioner to have an area designated as unsuitable for surface coal mining operations.
- 1) At a minimum, a complete petition for designation shall include:
- A) The petitioner's name, address, telephone number, and notarized signature;
  - B) Identification of the petitioned area, including its location and size, and a U.S. Geological Survey topographic map outlining the perimeter of the petitioned area;
  - C) An identification of the petitioner's interest which is or may be adversely affected by surface coal mining operations,

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including a statement demonstrating how the petitioner satisfies the requirements of subsection (a):

- D) A description of how mining of the area has affected or may adversely affect people, land, air, water or other resources, including the petitioner's interests; and
- E) Allegations of fact and supporting evidence, covering all lands in the petition area, which tend to establish that the area is unsuitable for all or certain types of surface coal mining operations, pursuant to specific criteria of Sections 7.02(a) and (b) of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/7.02(a) and (b)] (411-Rev--Stat--1985,--ch--96-177--pars--7987-02(a)-and-(b)) (State Act), assuming that contemporary mining practices required under applicable regulatory programs would be followed if the area were to be mined. Each of the allegations of fact should be specific as to the mining operation, if known, and the portion(s) of the petitioned area and petitioner's interests to which the allegation applies and be supported by evidence that tends to establish the validity of the allegations for the mining operation or portion of the petitioned areas.

- 2) The Department may request that the petitioner provide other supplementary information which is readily available.

- c) Termination. The Department shall determine what information must be provided by the petitioner to terminate designations of lands as unsuitable for surface coal mining operations.

- 1) At a minimum, a complete petition for termination shall include:

- A) The petitioner's name, address, telephone number, and notarized signature;
- B) Identification of the petitioned area, including its location and size and a U.S. Geological Survey topographic map outlining the perimeter of the petitioned area to which the termination petition applies;
- C) An identification of the petitioner's interest which is or may be adversely affected by the designation that the area is unsuitable for surface coal mining operations including a statement demonstrating how the petitioner satisfied the requirements of subsection (a);
- D) Allegations of facts covering all lands for which the termination is proposed. Each of the allegations of fact shall be specific as to the mining operation, if any, and to portions of the petitioned area and petitioner's interests to which the allegation applies. The allegations shall be supported by evidence, not contained in the record of the designation proceeding, that tends to establish the validity of the allegations for the mining operation or portion of the petitioned area, assuming that contemporary mining practices required under applicable regulatory programs

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would be followed were the area to be mined. For areas previously and unsuccessfully proposed for termination, significant new allegations of facts and supporting evidence must be presented in the petition. Allegations and supporting evidence should also be specific to the basis for which the designation was made and tend to establish that the designation should be terminated on the following bases:

- i) Nature or abundance of the protected resource or condition or other basis of the designation if the designation was based on criteria found in 62 Ill. Adm. Code 1762.11(b);
- ii) Reclamation now being technologically and economically feasible if the designation was based on the criteria found in 62 Ill. Adm. Code 1762.11(a); or
- iii) Resources or conditions not being affected by surface coal mining operations, or in the case of land use plans, not being incompatible with surface coal mining operations during and after mining, if the designation was based on the criteria found in 62 Ill. Adm. Code 1762.11(b).

- 2) The Department may request that the petitioner provide other supplementary information which is readily available.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1764.15 Initial Processing, Recordkeeping, and Notification Requirements

## a) Processing of Petitions

- 1) Within sixty--(60) days after of receipt of a petition, the Department shall notify the petitioner by certified mail whether or not the petition is complete under Section 1764.13(b) or (c). Complete, for a designation or termination petition, means that the information required under Section 1764.13(b) or (c) has been provided.
- 2) The Department shall determine whether any identified coal resources exist in the area covered by the petition, without requiring any showing from the petitioner. If the Department finds there are not any identified coal resources in that area, it shall return the petition to the petitioner with a statement of the findings.
- 3) If the Department determines that the petition is incomplete, frivolous, or that the petitioner does not meet the requirements of Section 1764.13(a), it shall return the petition to the petitioner with a written statement of the reasons for the determination and the categories of information needed to make the petition complete. A frivolous petition is one in which the

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- allegations of harm lack serious merit.
- 4) When considering a petition for an area which was previously and unsuccessfully proposed for designation, the Department shall determine if the new petition presents significant new allegations of facts with evidence which tends to establish the allegations. If the petition does not contain such material, the Department shall not consider the petition and shall return the petition to the petitioner, with a statement of its findings and a reference to the record of the previous designation proceedings where the facts were considered.
  - 5) The Department shall notify the person who submits a petition of any application for a permit received which includes any area covered by the petition.
  - 6) The Department shall not process any petition received insofar as it pertains to lands for which an administratively complete permit application has been filed and the first newspaper notice has been published. Based on such a determination, the Department may issue a decision on a complete and accurate permit application and shall inform the petitioner why the Department cannot consider the part of the petition pertaining to the proposed permit area.
  - b) Promptly after a petition is received, the Department shall notify the general public of the receipt of the petition by a newspaper advertisement placed in the locale of the area covered by the petition, in the newspaper providing broadest circulation in the region of the petitioned area and in any official State register of public notices. The Department shall make copies of the petition available to the public and shall provide copies of the petition to other interested governmental agencies, intervenors, persons with an ownership interest of record in the property, and other persons known to the Department to have an interest in the property.
  - c) Land Report and Public Comment
    - 1) After the petition is determined to be complete the Department shall prepare a Land Report. Within ten (10) days after a petition is determined to be complete, the Department shall refer it to the Department of Energy and Natural Resources for ensuring the preparation of a Land Report. Each Land Report shall evaluate whether mining operations on the land which is subject to the petition would have any or all of the effects described in 62 Ill. Adm. Code 1762.11. Each Land Report shall contain a detailed statement on:
      - A) The potential resources of the area,
      - B) The demand for coal resources, and
      - C) The impact of a designation of such lands as unsuitable for mining on the environment, the economy, and the supply of coal.
    - 2) The Land Report shall state objectively the information which the Department of Energy and Natural Resources has, but shall not

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- contain a recommendation with respect to whether the petition should be granted or denied. Each Land Report shall be completed and filed with the Department by the date agreed on by the Department and the Department of Energy and Natural Resources, but not later than eight (8) months after the petitioner has been notified the petition is complete under subsection (a)(1) of the Department of Energy and Natural Resources. The Department shall be free to contract for all or any portion of a Land Report subject to approval of the Department.
- 3) The Department of Energy and Natural Resources shall print one hundred (100) copies of each Land Report, which shall be distributed as follows: One (1) copy to each petitioner; one (1) copy to the operator or operators; two (2) copies to the County Clerks of the counties included in the petition, one (1) of which is to be forwarded to the county commission or board of supervisors; one (1) copy to the Office of Surface Mining Reclamation and Enforcement, and one (1) copy to each office of the Land Reclamation Division Department for public use. Remaining copies may be provided to persons who have filed requests in the proceeding for a copy of the report.
  - 4) Within three (3) weeks after the determination that a petition is complete, the Department shall request submissions from the general public of relevant information, by a newspaper advertisement placed once (1) a week for two (2) consecutive weeks in the locale of the area covered by the petition, in the newspaper providing broadest circulation in the region of the petitioned area, and in any official State register of public notices.
  - d) Until three (3) days before the Department holds a hearing under Section 1764.17, any person may intervene in the proceeding by filing allegations of facts, supporting evidence, a short statement identifying the petition to which the allegations pertain, and the intervenor's name, address, and telephone number.
  - e) Beginning immediately after a complete petition is filed, the Department shall compile and maintain a record consisting of all documents relating to the petition filed with or prepared by the Department. The Department shall make the record available for public inspection, free of charge, during all normal business hours at a central location of the county or multi-county area in which the land petitioned is located, and make available for copying at reasonable cost at the Department's main and regional offices.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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- 1) Heading of the Part: Training, Examination and Certification of Blasters
- 2) Code Citation: 62 Ill. Adm. Code 1850

- 3) Section Number: Proposed Action:  
 1850.13 Amend  
 1850.14 Amend  
 1850.15 Amend  
 1850.16 Amend

- 4) Statutory Authority: Implemented and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

- 5) A complete description of the subjects and issues involved: Section 1850.13(a) clarifies that the Department may also provide the necessary training required for blaster certification.

Section 1850.14(a)(b) deals with the scheduling of examinations and reexaminations for certification. These proposed revisions will clarify when and how the Department schedules examinations and reexaminations.

Section 1850.15(a) deals with the acceptance of applications by the Department. These proposed revisions will clarify when and how the applications are approved.

Section 1850.16(b)(2) is a typographical correction.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Karen Jacobs, Legal Counsel  
 Illinois Department of Natural Resources  
 524 South Second Street  
 Springfield, IL 62701  
 Telephone: (217)782-1809

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Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues Involved. All comments are due at the above address no later than 5:00 p.m. on May 4, 1998. Comments received thereafter will not be considered in this rulemaking.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: The proposed amendments will have no impact on small municipalities or not for profit corporations.

- B) Reporting, bookkeeping or other procedures required to be followed: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January, 1998

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCESPART 1850  
TRAINING, EXAMINATION AND CERTIFICATION OF BLASTERS

## Section

1850.5 Definition

1850.12 Applicability

1850.13 Training

1850.14 Examination

1850.15 Application and Certification

1850.16 Denial, Issuance of Notice of Infraction, Suspension, Revocation, and other Administrative Actions

Judicial Review (Repealed)

**AUTHORITY:** Implementing and authorized by the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.; and 30 CFR 816, 817 and 850) and the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

**SOURCE:** Adopted at 10 Ill. Reg. 3018, effective March 15, 1986; amended at 20 Ill. Reg. 2151, effective January 19, 1996; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1850.13 Training

a) Training required herein, for those persons not previously trained in the subjects required herein, shall be conducted by the Department, the operator or his representative. The operator's representative may include, but is not limited to junior colleges, consultants, and explosives manufacturers. The training must meet the requirements of this Section.

b) The training for blasters certification shall include instruction in:

- 1) The design and layout of blasts, including geology, topography and the proper use of delays.
- 2) Control of ground vibration.
- 3) Control of flyrock and air blast.
- 4) Design and loading of boreholes.
- 5) Priming and boosting.
- 6) Tamping and stemming, including methods and materials.
- 7) Blast initiation systems.
- 8) The use of blasting machines.
- 9) The use of circuit testing equipment.
- 10) The general properties of explosives, including blasting agents, and selection criteria.
- 11) Ground vibration, air blast and monitoring.
- 12) The use of ground vibration and air blast records as blast design

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## factors.

13) The need for accurate reports and blasting logs and their proper preparation.

14) Current Illinois and Federal law and regulation pertaining to blasting at the mine site, including 62 Ill. Adm. Code 1780.13, 1816.11(f), 1816.61 to 1816.68, 1817.61 to 1817.68; this Part; 62 Ill. Adm. Code 220.130; the Illinois Explosives Act [225 ILCS 210]; 30 CFR 816.61 to 816.68, 848 Fed. Reg. 9806-9807, 9492, 9809, 44780 (1983), 817.61 to 817.68, 48 Fed. Reg. 9809-9811, 9492, 44781 (1983), 30 CFR Part 850, 48 Fed. Reg. 9492 (1983); 30 CFR 56.6000-56.6250, 50 Fed. Reg. 5040 (1985), 30 CFR 57.6000-57.6250, 50 Fed. Reg. 4082 (1985), 36 Fed. Reg. 9634 (1971); 43 Fed. Reg. 12320 (1978).

15) Planning for unpredictable blasting hazards to the public and mine personnel. Illustrative example are adverse weather, stray electrical currents, flyrock, radio frequency energy, and misfires.

16) Signs, warning signals and control of the potential flyrock area.

17) Blasting plan requirements.

18) Pre-blast and condition surveys and their use in blast design.

19) Required blasting notices.

20) Training and certification requirements.

21) Handling, transportation and storage of explosives.

22) New technology as it develops and is implemented in the field. The Department shall advise operators of new technology which should be included in future training programs.

c) The blaster shall provide direction and on-the-job training to all non-certified blasting personnel under his supervision.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1850.14 Examination

a) Written examinations for blaster certification shall be administered ~~at least semi-annually, but not more than quarterly~~ on dates and times, and at locations announced by the Department via ~~news-releases~~ and direct communication with operators and individuals who request in writing to be so notified. ~~Such notification shall be made at least sixty days prior to the scheduled date of the examination.~~ All persons scheduled for a regular examination session will be so notified at least one ~~full~~ week prior to the scheduled exam date.

b) Reexaminations shall be scheduled, if needed, for those persons who do not pass the regularly scheduled examination. ~~The reexamination shall be scheduled approximately forty-five (45) days after each regular examination.~~ The Department shall also allow for examination at this time of those persons who have newly applied for certification at ~~least thirty (30) days prior to the scheduled reexamination date.~~ All

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persons scheduled for examination or reexamination during the reexamination session will be so notified at least one (1) week prior to the scheduled reexamination session.

- c) If the applicant cannot attend the examination or reexamination session for which he or she is scheduled, the applicant shall so inform the Department at least one (1) day in advance of the examination date. Failure to do so will result in the application being rejected, and the applicant having to reapply for certification. Any person who cannot attend such a session and who informs the Department in accordance with this Section will be scheduled for the next examination or reexamination session.

- d) Applicants for blaster certification shall be examined in the topics set forth in Section 1850.13(b).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1850.15 Application and Certification

- a) Each applicant shall submit a completed application for certification on forms supplied by the Department. In order to be scheduled for the next examination session, the application must be received by the Department not less than thirty (30) days prior to that examination date. The Department shall review each application promptly and complete the review of each application not less than fifteen (15) days following the date of receipt of the application. Any applicant whose completed application has been received, reviewed and accepted by the Department more than fifteen (15) days prior to a regularly scheduled examination session shall be scheduled for that session. Any applicant whose application has been received, reviewed, and accepted less than fifteen days before a regularly scheduled session may be included with the next regularly scheduled session or the next reexamination session. The following documents shall be included with the completed application form:

- 1) A notarized statement from the applicant's employer or other person, including, but not limited to a certified blaster or fellow employee, having personal knowledge of the applicant's blasting experience, and affirming that the applicant has had at least two (2) years' blasting experience.
  - 2) Proof that the applicant has successfully completed a blaster training course or courses that cover the material listed in Section 1850.13(b).
- b) The Department shall review each application, including required documents, for completeness and the accuracy of the statements contained in the application and required documents. The Department's acceptance of an application shall be based on the applicant's compliance with the requirements of this part.
- c) Each applicant shall be required to pass a written examination

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established by the Department. The examination shall be based on the requirements of Section 1850.13(b). The minimum passing score shall be seventy-percent (70%) correct answers. The Department retains the sole right to determine whether any or all responses to examination questions are correct.

- d) Any applicant whose application is denied shall be so informed in writing, within thirty (30) days after the date the applicant is found to be not qualified. Reason(s) for such denial shall be included with the notification. Each applicant who meets the requirements of subsection (a) above and who passes the examination required in subsection (b) above shall be issued a blaster certificate as soon as practicable thereafter, but not more than forty-five (45) days after the examination date. Any applicant who meets the requirements of Section 1850.15(a), but who does not pass the examination, shall be so notified within fifteen (15) days after the examination date. That person may, upon written request, review his or her examination at the Department's Springfield office. Such request must be made and the review completed not less than ten (10) days prior to the reexamination date for which the applicant is scheduled. The review must be done during the Department's regular business hours. Any person who does not pass the examination shall be scheduled for the next reexamination session, pursuant to Section 1850.14(b).
- e) An employed blaster shall have readily available for inspection his or her certificate at the mine site.

- f) A temporary blaster certificate will be issued to any individual who applies to the Department for such certification and who provides a photocopy of his or her valid blaster certificate issued in another state with an Office of Surface Mining approved certification program, or the name of the state where the certificate was issued and the certificate number. The period of the temporary blaster certificate shall not exceed six months from the date of issuance. Such a temporary certificate shall be issued only once to any individual in any continuous five (5) year period.

- g) Each certificate shall be valid for five (5) years from the date of issuance. Recertification following expiration shall be in accordance with the application, examination, and certification requirements of this part.

- h) Blaster certification shall not be assigned or transferred.
- i) Blasters shall not delegate their responsibility to any individual who is not a certified blaster.

- j) The blaster shall take reasonable precaution to protect his or her certificate from loss, theft or unauthorized duplication. Such loss, theft or duplication shall be reported to the Department without delay.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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**Section 1850.16 Denial, Issuance of Notice of Infraction, Suspension, Revocation, and Other Administrative Actions**

- a) The Department shall deny an application for, or revoke or suspend a certificate under the provisions of this Section if the Department finds that the applicant or certificate is, or was at the time of application or issuance, a person convicted of a felony under the laws of this or any other jurisdiction within the prior five (5) years, or who has been a patient in a mental institution within the prior five (5) years. The Department, when determining whether to revoke or suspend and when determining the length of a suspension, shall in addition to other factors, consider the nature of the felony of which the applicant was convicted, or the condition for which the applicant was confined to a mental institution, as well as the length of time since the conviction or confinement.

## b) Notice of Infraction

- 1) The Department shall, when in the best interest of protecting public safety and public and private property, issue to the blaster a written notice of infraction, requiring remedial action, when, on the basis of any inspection, the Department determines that the blaster has committed any of the following infractions:

- A) Noncompliance with Section 3.13 of the State Act [225 ILCS 720/3.13], 62 Ill. Adm. Code 1780.13, 1816.11(f), 1816.61 to 1816.68, 1817.61 to 1817.68, this Part, 62 Ill. Adm. Code 220.130, the Illinois Explosives Act [225 ILCS 210], 30 CFR 816.61 to 816.68, 48 Fed. Reg. 9806-9807, 9492, 9809, 44780 (1983), 30 CFR 817.61 to 817.68, 48 Fed. Reg. 9809-9811, 9492, 44781 (1983), 30 CFR Part 850, 48 Fed. Reg. 9492 (1983), 30 CFR 56.6000-56.6250, 50 Fed. Reg. 5040 (1985), 30 CFR 57.6000-57.6250, 50 Fed. Reg. 4082 (1985), 36 Fed. Reg. 9634 (1971) or 43 Fed. Reg. 12320 (1978).

- B) Providing false information or a misrepresentation to obtain certification.

- C) Unlawful use in the workplace of or current addition to alcohol, narcotics, or other dangerous drugs.

- D) Noncompliance with any lawful order issued under the authority of the Surface Mining Control and Reclamation Act (30 U.S.C. 1201 et seq.), Section 3.13 of the State Act, 62 Ill. Adm. Code 1780.13, 1816.11(f), 1816.61 to 1816.68, 1817.61 to 1817.68, 1840.2, 1840.12, or this Part.

- 2) The maximum time allowed to abate the infraction by completing the remedial action shall be stated in the notice and shall include consideration of the nature of the infraction, as well as the availability of resources to complete the abatement. Remedial action **actions** may include, but need not be limited to, a **requirement requirements** to receive additional training or undergo reexamination to demonstrate competence. A copy of such

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notice shall be forwarded to the blaster's employer. Any such notice may be terminated when the remedial action has been completed, modified to correct deficiencies or errors or make other changes in the notice or to change the required abatement date, or vacated if the infraction did not occur or occurred as the result of sabotage by persons other than the blaster.

- 3) The blaster may file a request for review with the Department, and if desired, a hearing within ~~thirty~~-~~4~~ 30 days after ~~of~~ the receipt of the notice of infraction. If a hearing is requested, the hearing shall be conducted in accordance with 62 Ill. Adm. Code 1847.4(e) and (g) through (p) and shall be held at one of the Department's offices. The Department shall give at least five (5) days notice of the date, time and location of the hearing to the blaster, his or her employer, the Director, Office of Surface Mining, and any person who filed a report which led to the notice that was issued.

- 4) The filing of a request for hearing shall not act as a stay of the remedial actions required as part of the notice of infraction.

## c) Notice to Show Cause

- 1) The Department, upon a finding of a willful commission of an infraction by the blaster, shall issue to the blaster a written notice to show cause why his certification should not be suspended or revoked for a specified period (not to exceed the term of the certificate).

- 2) The blaster shall have ~~twenty-one~~-~~4~~ 21 days from the receipt date of the notice or other time period necessary for adequate response as may be set out in the notice, in which to file an answer and request a hearing. If the blaster files an answer to the show cause order and requests a hearing, a public hearing shall be provided and conducted in accordance with 62 Ill. Adm. Code 1847.4(e) and (g) through (p). The Department shall give ~~thirty~~-~~4~~ 30 days written notice of the date, time and location of the hearing to the Director, Office of Surface Mining, the blaster, and the blaster's employer, and any person who filed a report which led to the order that was issued.

- 3) If the Department determines that the infraction resulting from the willful act on the part of the blaster creates an imminent danger to the health or safety of the public or imminent damage to public or private property, the Department shall immediately issue a temporary suspension of the blaster's certificate. The temporary suspension shall be in writing, and shall, with reasonable specificity, set forth the nature of the infraction and the imminent danger or damage incurred or about to be incurred. Such suspension shall be subject to a hearing to be provided not less than ~~fifteen~~-~~4~~ 15 days after the blaster's receipt of the temporary suspension. The hearing shall determine whether the suspension shall be continued, terminated or whether

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the certificate shall be revoked. Temporary suspension issued under the authority of this Subsection shall not exceed ~~fifteen~~-15 days. The hearing shall be conducted in accordance with 62 Ill. Adm. Code 1847.4(e) and (g) through (p) and shall be held at one of the Department's offices.

- 4) Upon written notice of revocation, including the findings upon which the notice is based, the blaster shall without delay surrender the revoked certificate to the Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: 1040.20  
Proposed Action: Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to incorporate recently enacted legislation.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this part? No
- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days after the date this notice is published. All comments must be in writing and should be sent to:

Mark A. Novak  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
217/782-5356

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

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13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the proposed rule begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	Court to Forward Licenses and Reports of Convictions
1040.10	Illinois Offense Table
1040.20	Suspension or Revocation for Driving Without a Valid Driver's License
1040.25	2 or More Traffic Offenses Committed within 24 Months by a Person
1040.29	Under the Age of 21 Years
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating A Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension of License of Commercial Vehicle Driver
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and



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authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2143, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 15 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1040.20 Illinois Offense Table

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.

1) Classification for convictions of traffic offenses:

Type action 68: Record History Item Only

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Type action 82: Conviction  
 Type action 83: Immediate action (no points assigned)  
 Type action 85: Conviction (no points assigned)  
 Type action 87: Conviction (points assigned)  
 Type action 89: Withdrawal (no points assigned)  
 Type action 93: Immediate action bond forfeiture (no points assigned)  
 Type action 94: Immediate action conviction (no points assigned)  
 Type action 95: Bond forfeiture (no points assigned)  
 Type action 96: Conviction (no points assigned)  
 Type action 97: Bond forfeiture (points assigned)  
 Type action 99: Conviction (points assigned)

2) Description of Offense: The code used to describe the offense is composed of the chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/Ch. 11], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], the Illinois Controlled Substances Act [720 ILCS 570], or the Liquor Control Act of 1934 [235 ILCS 5], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1) above, will be a single digit code to identify the specific law which will be as follows:

- |     |  |
|-----|--|
| 0 - | Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, or the Liquor Control Act of 1934, or the Illinois Identification Card Act  |
| 1 - | Illinois Vehicle Code  |
| 2 - | Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be a "2" |
| 4 - | Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4]   |
| 6 - | The Illinois Driver Licensing Law  |
| 7 - | Chicago Municipal Ordinance  |
| 8 - | Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")   |

NOTE: The position for the single digit codes 1, 2, 6, or 8 will be symbolized by a # throughout the point table set out

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herein.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the section violated, or refer to the number of miles (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out herein).
- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.
- A) A thorough review of literature relating to the general concept of point systems utilized by other states.
- B) A specific review of point systems and ranges of point assignments utilized by other states.
- C) An exhaustive and detailed review of the current Illinois point system.
- D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed and agreed upon by the consensus of the group.
- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, and the Illinois Controlled Substances Act and the Illinois Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, and the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor (Chapter 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4])
4 103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony (Chapter 4 of the Illinois Vehicle Title and Registration Law of the

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
4-103.1	103100	4 103 01	Illinois Vehicle Code [625 ILCS 5/Ch. 4])
6-101	101000	# 101 00	Motor Vehicle Anti-Theft Law, conspiracy (Chapter 4 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 4])
6-104(a)	104001	# 104 01	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of classification for transporting property for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of religious bus driver restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 6-107.1(b)	***** 107120	***** 6 107.1B	***** Violation of curfew law - under the age of 17
6-110(a)	110000	6 110 00	Violation of curfew law - under age of 17 (Child Curfew Act [720 ILCS 555])
6-113(e)	113501	# 113 E1	Violation of driver's license restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a) 3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a) 5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b) 1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b) 2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit Driving during the period of suspension/revocation
6-210(1)	210001	# 210 01	Driving during the period of revocation/suspension
6-210(2)	210002	# 210 02	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(1)	301001	# 301 01	To lend his license or permit to any
6-301(2)	301002	# 301 02	

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 6-301(3)	***** 301003	***** # 301 03	***** other person or knowingly allow the use thereof by another To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any police officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b) 1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b) 2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b) 3	301123	# 301123	Possess fictitious altered driver's license or permit
6-301.1(b) 4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b) 5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b) 6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b) 7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b) 8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b) 9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.2(b) 1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b) 2	301222	# 301222	Possess/display fraudulent driver's license or permit
6-301.2(b) 3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b) 4	301224	# 301224	Possess fraudulent driver's license



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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-301.2(b)5	301225	# 301225	or permit Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-302(a)1	302101	# 302101	Present false information in an application for driver's license/ permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/ permit
6-302(a)3	302103	# 302103	Make false affidavit, swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor while subject to disqualification or while subject to or in violation of an "out-of-service" order
6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, cancelled or disqualified

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order
6-507-(b)3	507203	# 507 B3	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
8-101	008000	8000	Failure to show proof of financial responsibility - persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a police officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a police officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident involving damage to a vehicle in excess of \$1000
11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood <del>while</del> alcohol concentration <u>above the legal limit</u> <del>is 10 or more</del>
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs
11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act
11-501(D)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(D)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(D)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(D)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-501(D)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) of the Illinois Vehicle Code for the third or subsequent time
11-501(D)1B	501412	# 0501D1B	Such person committed a violation of Section 11-501(a) of the Illinois Vehicle Code while driving a school bus with children on board
11-501(D)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a) of the Illinois Vehicle Code, was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(D)1D	501414	# 0501D1D	Committed a violation of Section 11-501(A) of the Illinois Vehicle Code

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-504	050400	# 0504 00	Drag racing
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device
11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
11-1301.6(b)2	301622	1 13016B2	plate or parking decal or device To knowingly possess without authority any implement to duplicate and/or manufacture any person-with- disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplica- tion, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudu- lent person-with-disabilities license plate or parking decal or device
12-215(g)	221507	# 2215 01	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-215] without lawful authority to stop
CRIMINAL CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
9-3	09003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	012 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault
12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking

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21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm
24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm
THE LIQUOR CONTROL ACT OF 1934	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage - Liquor Control Act of 1934
CANNABIS CONTROL ACT	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
704(a)	070401	704 01	Conviction for violation of Section 4(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but not more than 10 grams of any substance containing cannabis
704(c)	070403	704 03	Conviction for violation of Section 4(c) of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) of the



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704(e)	070405	704 05	Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis Conviction for violation of Section 4(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
705	000705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	000707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person under 18 by an adult
ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(c)	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the authorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1402(a)1	014201	1402 01	the unauthorized manufacture or delivery of a controlled substance Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any salt of an optical isomer of amphetamine or methamphetamine

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1402(a)8	014208	1402 08	Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams, of any substance containing lysergic acid diethylamide (LSD) Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phenycyclidine or any of the salts, isomers and salts of isomers of phenycyclidine (PCP) Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not otherwise included in this subsection
1402(a)9	014209	1402 09	Conviction for violation of Section 402(b) of the Controlled Substances Act
1402(a)10	014210	1402 10	Conviction for violation of Section 402(b) of the Controlled Substances Act
1402(a)11	014211	1402 11	Conviction for violation of Section 402(b) of the Controlled Substances Act
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) of the Controlled Substances Act

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ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1407	014070	1407 00	concerning the possession of any other amount of a controlled or counterfeit substance
1407.1	014701	1407 01	counterfeit substances to minor Adult uses minor to deliver controlled/counterfeit substances Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse
c) Illinois Vehicle Code The following points assigned violations will be entered on the driving record as type action -97- bond forfeiture or type action -99- conviction			
ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
124-34-14A1	141001	14 1001	To possess, display, or cause to be displayed any canceled or revoked identification card
124-34-14A2	141002	14 1002	To display or represent as the person's own any identification card issued to another To allow any unlawful use of an identification card issued to the person
124-34-14A3	141003	14 1003	To lend an identification card to another or knowingly allow the use thereof
124-34-14A4	141004	14 1004	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer, upon lawful demand, any identification card which has been revoked or canceled
124-34-14A5	141005	14 1005	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered
124-34-14AB1	141021	14 1201	

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ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
124-34-14AB2	141011	14 1202	identification card To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the pur- pose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
124-34-14AB3	141023	14 1203	To knowingly possess any ficti- tious or unlawfully altered identification card with the intent to commit a theft, decep- tion or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
124-34-14AB4	141024	14 1204	To knowingly possess any ficti- tious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
124-34-14AB5	141025	14 1205	To knowingly possess any ficti- tious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
124-34-14AB6	141026	14 1206	To knowingly possess any ficti- tious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
124-34-14AB7	141027	14 1207	To knowingly issue or assist in the issuance of any fictitious identification card
124-34-14AB8	141028	14 1208	To knowingly alter or attempt

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ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
124-34-14AB9	141029	14 1209	to alter any identification card To knowingly manufacture, pos- sess, transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
124-34-14AB10	141210	14 1210	To make application for the purpose of obtaining a fictitious identification card for another person
124-34-14AB11	141211	14 1211	To obtain the services of another person to make application for the purpose of obtaining a ficti- tious identification card
124-34-14BB1	142201	14 2201	To knowingly possess, display or cause to be displayed any fraudu- lent identification card
124-34-14BB2	142202	14 2202	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
124-34-14BB3	142203	14 2203	To knowingly possess any fraudu- lent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
124-34-14BB4	142204	14 2204	To knowingly possess any fraudu- lent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
124-34-14BB5	142205	14 2205	To knowingly possess any fraudu- lent identification card while in unauthorized possession of



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ILLINOIS IDENTIFICATION CARD ACT *****	FROM OFFENSE CODE *****	AMENDMENT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
124 14 14006	142206	14 2206	any document, instrument or device capable of duplicating another	
124 14 14007	142207	14 2207	to knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document	
124 14 14008	142208	14 2208	to knowingly possess without authority any implement to duplicate or manufacture any license or identification card	
124 14 14009	142209	14 2209	to knowingly duplicate, manufacture, sell or transfer any fraudulent identification card	
124 14 14010	142210	14 2210	to advertise or distribute any information or material that promotes the selling, giving or furnishing of a fraudulent identification card	
6 501	6 501 00	6 501 00	Violation of more than one driver's license (a net four traffic violation if committed in a commercial motor vehicle)	50
6 507(A)	6 507 A0		driving a commercial motor vehicle without a valid driver's license (a net four traffic violation if committed in a commercial motor vehicle)	50
11 505	050500	# 0505 00	failure to obey lawful order of authorized officer	10
11 105	010500	# 0105 00	Disregarding official	10

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ILLINOIS IDENTIFICATION CARD ACT *****	FROM OFFENSE CODE *****	AMENDMENT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11 106	010600	# 0106 00	Disregarding traffic control device	20
11 108	010800	# 0108 00	Disregarding lane control traffic control light	20
11 109	010900	# 0109 00	Disregarding lane control signal (a net four traffic violation if committed in a commercial motor vehicle)	20
11 402(A)	040201	# 0402 01	Disregarding flashing traffic signal	20
11 403	010400	# 0403 00	Collision involving damage to vehicle only	25
11 404	040400	# 0404 00	Failure to stop, exchange information and make report	25
11 404	040400	# 0404 00	Failure to stop and exchange information after motor vehicle collision property damage only	25
11 404	040400	# 0404 00	Failure to stop and exchange information or give aid after motor vehicle collision	50
11 502(A)	050201	# 0502 01	personal injury involved after collision with unattended vehicle or other property	15
11 503	050300	# 0503 00	illegal transportation of any alcoholic liquor within the passenger area of any motor vehicle	25
11 504	050400	# 0504 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11 505	050500	# 0505 00	Speeding or exceeding limit	10
11 601(A)	060100	# 0601 00	Speeding too fast for conditions (a serious traffic violation if committed in a commercial motor vehicle)	10

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or	

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
11-701	070100	# 0701 00	elevated structure Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	10
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-707(d)	070704	# 0707 04	violation if committed in a commercial motor vehicle) No passing in unincorporated areas where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	20
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	10
11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	5
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20
11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 0901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with on-coming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield	20



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-908(a)	090801	# 0908 01	right-of-way to emergency vehicle Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any highway construction or maintenance area Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(b)	090802	# 0908 02	Failure to stop at highway construction sign Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to a pedestrian at an intersection	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop	10

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
11-1103	110300	# 1103 00	for a street car Obstructing street car traffic	20
11-1104	110400	# 1104 00	Driving through safety zone	5
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train or signal	20
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel - reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious	20

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
			traffic violation if committed in a commercial motor vehicle)	
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	25
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadways	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on	5
12-301	230100	# 2301 00	Defective brakes	20
12-804	280400	# 2804 00	School bus identification and warning light violation	
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	5
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	15
15-114	511400	# 5114 00	Improper pushing of another vehicle	10
d) City of Chicago Traffic Regulations - Chapter 27 of the Municipal Code of Chicago				
The following point assigned violations will be entered on the driving record as type action - 97 - bond forfeiture or type action - 99 - conviction				
CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-201	201000	7 201 00	Disregarding official	

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-202	202000	7 202 00	traffic-control device disregarding traffic-control light	20
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic-control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10
7-211	211000	7 211 00	Improper traffic lane usage	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1 - 10 MPH above limit	5
7-212.03	212003	7 212 03	11 - 14 MPH above limit	
7-212.05	212005	7 212 05	15 - 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	15
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-213	213000	7 213 00	Driving below minimum speed limit	50
7-214	214000	7 214 00	Improper turn at intersection	5
7-215	215000	7 215 00	Improper or illegal turn on red signal light	10
7-216	216000	7 216 00	Improper U-turn	20
7-217	217000	7 217 00	Improper U-turn in loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Driving wrong way on one-way street	
7-220	220000	7 220 00	Driving wrong way on one-way street - restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at	

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-222	222000	7 222 00	intersection Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20
7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20

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CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION *****	DESCRIPTION OF OFFENSE *****	POINTS *****
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway passing stopped school bus receiving or discharging children	5
7-240	240000	7 240 00	Passing vehicle stopped for pedestrian	25
7-241	241000	7 241 00	Failure to obey lawful order or authorized officer	20
7-242	242000	7 242 00	Driving in area designated as play street	10
7-243	243000	7 243 00	Driving on sidewalk or parkway	20
7-244	244000	7 244 00	Driving through safety zone	20
7-245	245000	7 245 00	Driving in bus lane	20
7-246	246000	7 246 00	Driving on left side of roadway where prohibited	20
7-247	247000	7 247 00	Improper backing	10
7-248	248000	7 248 00	Improper entry or exit from controlled access roadway	10
7-249	249000	7 249 00	Negligent driving	10
7-250	250000	7 250 00	Following too closely	25
7-251	251000	7 251 00	Failure to exercise due care for pedestrian	10
7-252	252000	7 252 00	Unsafe movement of vehicle from parked position	15
7-253	253000	7 253 00	Failure to give stop or turn signal	15
7-254	254000	7 254 00	Improper stop or turn signal	15
7-255	255000	7 255 00	Improper towing or pushing of vehicle	10
7-256	256000	7 256 00	Failure to drive within bus lane - bus drivers	20
7-257	257000	7 257 00	Failure to observe mass transportation vehicle regulations	20
7-258	258000	7 258 00	Illegal operation of	20



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CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	POINTS	IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****	*****	*****	*****
7-342	342000	7 342 00	10	12-712(a)	271301	# 2713 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
7-346	346000	7 346 00	20	12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
7-359	359000	7 359 00	10	12-715(a)	271501	# 2715 01	Violation of possession and use of a radar jamming device in a commercial motor vehicle
7-369	369000	7 369 00	10	1104	001104	# 01104 00	Violation of the Child Passenger Protection Act [625 ILCS 25] child under age 4
7-402(c)	402003	7 402 03	25	1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act [625 ILCS 25] child age 4 but under age 6

e) Illinois Vehicle Code  
The following violations will be entered on the driving record as type action - 95 - bond forfeiture or type action - 96 - conviction with no point value

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT * DESCRIPTION CODE	DESCRIPTION OF OFFENSE	CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****	*****	*****	*****	*****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident	7-235	235000	7 235 00	Driving through a Funeral procession
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of accident	7-246	246000	7 246 00	Crossing fire hose
11-1412	141200	# 1412 00	Crossing fire hose	7-274	274000	7 274 00	Driving in a Funeral procession
11-1420	142000	# 1420 00	Funeral procession violation	7-342.1	342001	7 342 01	Violation of seat belt act
12-201(c)	220103	# 2201 03	Registration light violation	7-347	347000	7 347 00	Spot light violation
12-203	220300	# 2203 00	Lamps on parked vehicle	7-348	348000	7 348 00	Other light violation
12-207	220700	# 2207 00	Spot light or auxiliary light violation	7-349	349000	7 349 00	Front red or flashing light

g) Case Review  
1) After each case is entered to the appropriate, driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension or revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.  
2) Driver control action shall be entered upon the driver's record by classification (type action).

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## A) Classification for driver control actions:

- Type action 01 Mandatory Revocation  
Type action 02 Discretionary Revocation  
Type action 03 Discretionary Suspension  
Type action 04 Safety Responsibility  
Suspension  
Type action 05 Financial Responsibility  
Suspension  
Type action 06 Unsatisfied Judgment  
Suspension  
Type action 07 Mandatory Suspension  
Type action 08 Cancellation of License  
Type action 09 Mandatory Suspension  
Type action 17 Statutory Summary  
Suspension  
Type action 18 Vehicle Emissions  
Suspension  
Type action 45 Cancellation/Suspension/  
Denial of School Bus Permit  
Denial of License and/or  
Privileges  
Type action DQ Discretionary/Mandatory  
Disqualification  
Type action FR Family Financial Responsibility  
Suspension  
Type action IV Invalidation of License  
Type action OS Out of Service Law  
Enforcement History Item  
Zero Tolerance Suspension  
Type action 2T Description of driver control action:

B) The code used to describe the action is composed of the Chapter and/or Section number of The Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

## h) Mandatory Revocation - Type Action 01

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-205(a)5	205105	6 205 A5	accident involving death or personal injury -- violation of Section 11-401 of the Illinois Vehicle Code Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)
6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 of the Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a police officer
6-205(a)12	205112	6 205 A12	Violation of Sec. 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a)13	205113	6 205 A13	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
6-205(d)	205400	6 205 D0	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
combination thereof			
i) Discretionary Revocation and Suspensions - Type Action 02 or 03			
IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6 206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6 206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-206(a)15	206115	6 206 A15	under Section 6-301 or 6-301.1 or 6-301.2 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)16	206116	6 206 A16	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [720 ILCS 5/21-2]
6-206(a)17	206117	6 206 A17	Violation of Section 11-204, fleeing from a police officer
6-206(a)18	206118	6 206A 18	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)19	206119	6 206 A19	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)20	206120	6 206 A20	Has violated Section 6-101 - driving without a valid license
6-206(a)21	206121	6 206 A21	Has violated Section 6-104 - driving without a proper classification on a driver's license
6-206(a)22	206122	6 206 A22	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)23	206123	6 206 A23	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)24	206124	6 206 A24	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)25	206125	6 206 A25	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206
			Has permitted any form of identification to be used by another



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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle
6-206(a)31	206131	6 206 A31	as enumerated in Section 6-206(a)(29) refused to submit/failed test(s) as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
			a 24 month period
6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit
j) Discretionary or Mandatory - 18, or 21			Suspension - Type Action 03, 07, 09, 17,
IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines-parking violations
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions suspension
k) Safety Responsibility Suspension - Type Action 04			
IVC	EDPM	ABSTRACT	

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 7-201	*****	*****	*****
			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil judgment being entered in court

1) Financial Responsibility Suspension - Type Action 05

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 7-305	*****	*****	*****
			Failure to maintain proof of financial responsibility (SR-22 insurance) for a 3 year period

m) Unsatisfied Judgment Suspension - Type Action 06

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 7-303	*****	*****	*****
			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n\*) Cancellation - Type Action 08

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 6-108(1) 6-108(2) 6-108(3) 6-113(d) 6-201(a)1	***** 108001 108002 108003 113400 201101	***** 6 108 01 6 108 02 6 108 03 6 113 D0 6 201 A1	***** Request for withdrawal of consent Death of person giving consent Person giving consent no longer has legal custody Cancellation of a Restricted Driving Permit based on evidence of violation of restriction Not entitled to the issuance of the license or permit

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 6-201(a)2 6-201(a)3 6-201(a)4 6-201(a)5 6-201(a)6 6-201(a)7 6-201(a)8	***** 201102 201103 201104 201105 201106 201107 201108	***** 6 201 A2 6 201 A3 6 201 A4 6 201 A5 6 201 A6 6 201 A7 6 201 A8	***** Failed to give the required or correct information Failed to pay fees or taxes due Committed any fraud in the making of such application Ineligible therefore under the provisions of Section 6-103 Has refused or neglected to submit to examination or re-examination as required under this Code Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle Failed to notify Secretary of State of a medical condition which is likely to cause loss of consciousness or loss of ability to safely operate a motor vehicle within 10 days after becoming aware of the condition Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205 Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206

o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit - Type Action 45

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE
***** 6-106.1 6-106.1(a)	***** 106001 106011	***** 6 106 01 6 106 01	***** Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1 of the Illinois Vehicle Code Zero tolerance cancellation of school bus driver permit

p) Denial - Type Action DN

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE
*****	*****	*****

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-107(c)			Denial of driver's license and/or driving privileges pursuant to Section 6-107(c) of the Illinois Vehicle Code
6-107(d)			Denial of driver's license pursuant to Section 6-107(d) of the Illinois Vehicle Code

g) Discretionary/Mandatory Disqualification - Type Action - DQ

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/ alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/ other drug(s)
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony
6-514(b)	514200	6 514 B	Second Conviction of violation Sec. 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug offense(s) using commercial motor vehicle
6-514(e)	514500	6 514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6 514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of

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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-514(i)3	514903	6 514 I3	operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)6	514906	6 514 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials

r) Family Financial Responsibility Suspension - Type Action FR

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
7-702			Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court

s) Invalidation - Type Action IV



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IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-301.3			Invalidation of driver's license or permit pursuant to Section 6-301.3 of the Illinois Vehicle Code

tm) Out-Of-Service - Law Enforcement Sanction History Item - Type Action OS

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION	DESCRIPTION OF OFFENSE
*****	*****	*****	*****
6-515	515000	6 515 24 Hour out-of-service order	

u) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A12	Refused to submit to test for alcohol-Implied Consent Law
A24	Driving under the influence of medication not intended to intoxicate
A30	Possession
A33	Illegal possession of drugs (controlled substances)
A40	Aiding in violation of ignition interlock or immobilization device
A41	Driver violation of ignition interlock or immobilization device
A60	Underage conviction of drinking and driving at 0-.02 BAC
A61	Underage Administrative Per Se - drinking and driving at 0-.02 BAC
B09	Refusal to reveal identity after accident
B10	Refusal to reveal identity after accident - fatal accident
B11	Refusal to reveal identity after accident - personal injury accident
B12	Refusal to reveal identity after accident - property damage accident
B20	Driving while license withdrawn
B21	Driving while license barred
B72	Driving while license canceled
B73	Driving while license denied
B74	Driving while license disqualified

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B27	Driving while license out-of-service order is in effect
B28	Driving while registration canceled
B29	Driving while registration suspended
B30	Permit unlicensed person to drive
B40	Possess or provide counterfeit or altered document
B42	Possess or provide counterfeit or altered registration or title
B43	Missing, defaced, or obscured license plates
B44	Mutilated document
B45	Mutilated driver's license (includes DL, CDL, and Instruction Permit) or ID
B46	Mutilated registration card or title
B50	Expired or no document (or item) which is required
B52	Expired or no emissions inspection
B53	Expired or no license plates or decal/sticker
B54	Expired or no registration or title
B55	Expired or no vehicle safety inspection
B60	Failed to file document or report as required
B62	Failed to file change of address or name
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information
B70	Failed to show document as required
B71	Failed to show certificate of weight
B72	Failed to show driver's license (includes DL, CDL, and Instruction Permit)
B73	Failed to show emissions or vehicle (safety) inspection
B74	Failed to show insurance certification
B75	Failed to show operator's (driver's) log
B76	Failed to show registration
B77	Failed to show registration, title or driver's license (includes DL, CDL, and Instruction Permit)
B80	Failed to surrender driver's license (includes DL, CDL, and Instruction Permit)
B81	Failed to surrender driver's license, registration, plates or title
B82	Failed to surrender registration, plates or title
B83	False report
B84	False report of accident
B85	False report of emissions inspection
B86	False report of odometer reading or disclosure
B87	False report of operator's (driver's) log
B88	False report of theft
B89	False report of vehicle (safety) inspection
B90	Failed to provide or submit title transfer documents
B93	Loan registration or plated to another person

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ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D01	Misrepresentation of identity or other facts
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D03	Misrepresentation of identity or other facts on application for person with disabilities permit/plates
D04	Misrepresentation of identity or other facts on application for registration or title
D05	Misrepresentation of identity or other facts to avoid arrest or prosecution
D11	Manufacture or produce false emissions or vehicle (safety) inspection certificate
D12	Manufacture or produce false registration or title
D15	Present or use improperly document (or item) not specified
D16	Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D17	Present or use improperly emissions or vehicle (safety) inspection certification
D18	Present or use improperly insurance certification
D19	Present or use improperly operator's (driver's) log
D20	Present or use improperly registration, plates, or decal/sticker
D21	Present or use improperly registration or title
D26	Use another's registration, plates, or title
D28	Violate limits of registration (manufacturer, transporter, dealer, farm, antiques, etc.)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D40	Failure to appear
D41	Failure to appear for hearing or mandatory appearance
D42	Failure to appear for or complete department investigation
D43	Failure to appear for or complete examination or re-examination
D44	Failure to appear for or complete required courses
D45	Failure to appear for trial or court appearance
D50	Failure to make required payment
D51	Failure to make required payment of child support
D52	Failure to make required payment of fee
D53	Failure to make required payment of fine and costs
D54	Failure to make required payment of tax
D55	Failure to make required payment of toll
D65	Depositing harmful (including injurious and burning) substance on traffic way
D66	Failure to remove harmful substance from traffic way

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## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
D67	Littering from a motor vehicle
D68	Throwing from vehicle any harmful substance
D71	Exceeding hours on duty limitations
D72	Inability to control vehicle
D73	Obscuring, tampering with, or illegally displaying traffic control device, warning, or instructions
D74	Operating a motor vehicle improperly due to drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D77	Sex offense in a motor vehicle
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E20	Use of equipment prohibited by law
E22	Use of emergency vehicle markings prohibited by law
E30	Defective equipment
E32	Defective emissions control device
E33	Defective HAZMAT safety devices
E35	Defective or noisy exhaust system or muffler
E37	Defective tires
E50	Failure to use equipment as required
E52	Failure to use disabled vehicle lights, reflectors, or flares as required
E53	Failure to use HAZMAT safety devices as required
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
E72	Emissions control device used improperly or obstructed
DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
DE 0	Defective equipment
DS 0	Disability
DS 1	Inability to pass one or more tests required for driver's license
EM 0	Equipment misuse
EM 1	Leaving a vehicle unattended with engine running
ER 0	Equipment regulations
ER 2	Use of equipment prohibited by law
FA 2	Violation of a motor vehicle law resulting in one's own death
FA 3	Suicide by motor vehicle
FE 0	Felony
FR 0	Financial responsibility
FR 1	Unsatisfied judgment

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
FR 2	Failure to meet requirements of the security following accident provisions of the Financial Responsibility Law
FR 3	Failure to file future proof of financial responsibility following conviction for violation of motor vehicle laws
FR 4	Failure to file future proof of financial responsibility as required under any other provision of the Financial Responsibility Law
FR 5	Failure to maintain required compulsory driver's license
LI 0	Littering
MR 0	Misrepresentation contribution violation
MR 5	Obtaining or applying for a duplicate driver's license during withdrawal
MR 6	Misrepresentation of identity or other facts to avoid arrest or prosecution
MS 0	Miscellaneous
MS 5	Sex offense in vehicle
RR 0	Required reports, appearances, or documents
RR 1	Failure to file report of accident as required
RR 2	Failure to appear for hearing or trial
RR 3	Failure to surrender driver's license, registration, or title documents as required
RT 0	Registration and titling
RT 3	Misrepresentation of identity or other facts to obtain a vehicle registration or title
RT 4	Displaying a registration or title which is invalid because of alteration, counterfeiting or withdrawal (revocation, suspension, etc.)
RV 1	Recurrence of violations requiring mandatory action of the licensing authority as specified by law
RV 2	Accumulation of violations resulting in mandatory action of the licensing authority because of a statutory point system
RV 3	Accumulation of violations resulting in discretionary action by the license authority
SC 6	Obscuring, tampering with, or illegally displaying traffic control devices, warning, or instructions
VR 0	Violation of restriction licensing requirements
VR 6	Allowing an unlicensed operator to drive
VR 7	The following violations will not be assigned points but will be entered on the driving record as type action -82- conviction immediate action:

ACD  
CODE

DESCRIPTION OF OFFENSE

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NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over (detailed field required)
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A25	Driving while impaired - ability definitely impaired
A26	Drinking alcohol while operating a vehicle
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B92	Loan driver's license (includes DL, CDL, and Instruction Permit) to another person
D06	Misrepresentation of identity or other facts to obtain alcohol
D07	Possess multiple driver's licenses (including DL, CDL, and Instruction Permit)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D25	Use another person's driver's license (includes DL, CDL, and Instruction Permit)
D27	Violate limited license conditions
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D76	Perjury
S95	Speed contest (racing) on road open to traffic
DHR CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any state or jurisdiction
DI 0	Driving while intoxicated violation pertaining to intoxication
DI 1	Driving while under the intoxicating influence of alcohol, narcotics, or pathogenic drugs



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CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
DI 2	Driving while under the intoxicating influence of medication or other substances not intended to produce intoxication as a result of normal use
DI 3	Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication
DI 6	Impaired
EM 7	Operating or using a vehicle without consent of the owner
FE 1	Using a motor vehicle as the device for committing a felony
FE 2	Using a motor vehicle in connection with a felony
HR 4	Evading arrest by fleeing the scene of citation or roadblock
HR 5	Evading arrest by extinguishing lights (when lights are required)
MR 1	Misrepresentation of identity or other facts to obtain a driver's license
MR 2	Displaying a driver's license which is invalid because of alteration, counterfeiting, or withdrawal (suspension, revocation, etc.)
MR 3	Displaying the driver's license of another person
MR 4	Loaning a driver's license
SP 1	Contest racing on public traffic way
VR 1	Driving while revoked
VR 2	Driving while suspended
VR 4	Operating contrary to conditions specified on driver's license
VR 5	Operating without being licensed or without license required for type of vehicle operated

w) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of subsection (b), (c), or (g) of this Section, respectively.

x) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A34	Illegal possession of weapon, including firearm
A50	Motor vehicle used in manufacturing, distribution, or dispensing a controlled substance

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ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A52	Transporting liquor to a minor
B06	Leaving scene of an accident before police arrive - fatal accident
B07	Leaving scene of an accident before police arrive - personal injury accident
B25	Driving while license revoked
B26	Driving while license suspended
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
U01	Fleeing or evading police or roadblock
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U07	Vehicle homicide
U23	Receiving or disposing of stolen vehicle or its parts
U26	Vehicle theft

## DHR

CONVICTION  
CODE

\*\*\*\*\*

CONVICTION CODE	DESCRIPTION OF OFFENSE
*****	*****
C 12	Driving under the influence of alcohol, as prescribed by State law, when committed in a commercial vehicle (disqualification if committed in a commercial motor vehicle)
C 14	Driving a commercial motor vehicle while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial motor vehicle)
C 16	A felony involving the use of a commercial motor vehicle, other than a felony described in C 17 (disqualification if committed in a commercial motor vehicle)
C 17	The use of a commercial vehicle in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)) (disqualification if committed in a commercial vehicle)

y) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:

ACD

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NOTICE OF PROPOSED AMENDMENTS

ACD CODE CODE	DESCRIPTION OF OFFENSE DESCRIPTION OF OFFENSE	CONVICTION CODE
*****	*****	*****
B61	Failed to file accident report	
D70	Driver's view obstructed	
E01	Operating without equipment as required by law	
E21	Use of colored lights and/or siren prohibited by law	
E23	Use of radar or laser detector prohibited by law	
E34	Defective lights	
E54	Failure to use headlight dimmer as required	
F02	Child or youth restraint not used properly as required	
F04	Seat belt not used properly as required	
M30	Following improperly	
M56	Improper lane or location - on fire hose	
M80	Reckless, careless, or negligent driving	
N05	Failure to yield right of way to funeral procession, procession or parade	
ACD CODE CODE	DESCRIPTION OF OFFENSE DESCRIPTION OF OFFENSE	CONVICTION CODE
*****	*****	*****
AC 0	Accident	
AC 2	Violation of a motor vehicle law resulting in property damage	
AC 3	Violation of motor vehicle law not resulting in damage to persons or property but considered an accident	
AC 4	Involvement in an accident considered no indication of fault	
DE 1	Operating with defective headlights	
DE 3	Operating with defective muffler or exhaust system	
DE 4	Operating with defective tires	
DE 5	Operating with defective equipment resulting in inability to control vehicle movement properly	
DI 5	Administrative per se	
DS 2	Operating a motor vehicle improperly because of physical or mental disability	
DS 3	Failure to discontinue operating a vehicle after onset of physical or mental disability (including uncontrollable drowsiness)	
EM 2	Overloading vehicle with passengers or cargo	
EM 4	Creating unlawful noise with vehicle or accessory	
EM 5	Failure to dim lights as required	
EM 6	Using a vehicle in connection with illegal activity other than a felony	
ER 1	Operating without equipment required by law	
FA 0	Fatality	

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE DESCRIPTION OF OFFENSE
*****	*****
FE 3	Using a motor vehicle to aid and abet a felon
FO 0	Following improperly
FO 3	Following an emergency vehicle unlawfully
HR 3	Leaving the scene of an accident after providing aid or identity but before arrival of police
HV 0	Conviction of multiple serious offenses resulting in a long term removal of the license
IL 0	Improper lane operation where prohibited
IL 3	Ran off road
IL 4	Driving on road shoulder, in ditch, or on sidewalk
LI 1	Depositing injurious or harmful substance on traffic way
LI 2	Throwing from vehicle any burning or smoldering substance
LI 3	Littering from a motor vehicle
MS 3	Opening vehicle closure into moving traffic or while vehicle is in motion
MS 4	Crossing fire hose with vehicle
MS 6	Unsafe operation of vehicle
RK 0	Reckless, careless, or negligent driving
RK 2	Operating a motor vehicle without the exercise of care and caution required to avoid danger to persons or property
RK 3	Transporting hazardous substance without required safety devices or precautions
RK 4	Coasting or operating with gears disengaged
RR 4	Failure to keep driver's license or registration certificates in possession while driving or in vehicle as required
RR 5	Operating a motor vehicle with registration plates missing, defaced or obscured
RT 1	Operating a vehicle without registering it as required
RT 2	Operating with expired registration
RV 0	Repeated violations
RW 0	Right-of-way
RW 5	Failure to yield to school bus as required
SC 3	Passing through or around barrier positioned to prohibit or channel traffic
SC 4	Failure to observe warnings or instructions on vehicle properly displaying them
SI 3	Failure to cancel directional signals after executing maneuver
SP 5	Operating at erratic or suddenly changing speeds
TU 0	Turns
TU 1	Making right turn from left turn lane
TU 2	Making left turn from right turn lane
VR 3	Driving after license denied
WW 0	Wrong way, side or direction

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## NOTICE OF PROPOSED AMENDMENTS

2) The following point assigned violations will be entered on the driving record as type action -87- conviction:

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
A26	Drinking alcohol while operating a vehicle	25
A27	Driving after drinking - level of intoxication or impairment not known	15
A31	Illegal possession of alcohol	25
A32	Illegal possession of alcohol or drugs	25
A35	Possession of open alcohol container	25
A51	Transporting liquor illegally	25
B01	Hit and run - failure to stop and render aid after accident	25
B02	Hit and run - failure to stop and render aid after accident - fatal accident	50
B03	Hit and run - failure to stop and render aid after accident - personal injury accident	50
B04	Hit and run - failure to stop and render aid after accident - property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive	25
B13	Failure of duties upon damaging unattended vehicle or injuring animals	15
B02	Operating without brakes as required by law	20
B05	Operating without lights as required by law	10
B06	Operating without school bus equipment as required by law	5
B31	Defective brakes	20
B36	Defective school bus equipment	5
B51	Failure to use brakes	20
B55	Failure to use lights as required	10
B56	Failure to use school bus safety equipment as required	5
B71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
F14	Exceeding or violating passenger or cargo limits of motorcycle	5
F23	Spilling, dragging, unsecured or unsafe load	15
F65	Towing or pushing vehicle improperly	10
M05	Failure to obey land markings or signal	20
M08	Failure to obey police or peace officer	20
M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane	20
M12	Failure to obey safety zone	20

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## NOTICE OF PROPOSED AMENDMENTS

ACD CODE *****	DESCRIPTION OF OFFENSE *****	POINTS *****
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to stop - basic rule at unsigned intersection, or when entering roadway from private driveway, alley, etc.	20
M25	Failure to leave sufficient distance for overtaking by other vehicles	20
M31	Failure to leave sufficient distance for overtaking by other vehicles	20
M34	Following too closely	25
M40	Improper lane or location	20
M41	Failure to keep in proper lane	20
M42	Improper or erratic (unsafe) lane changes	20
M44	Improper lane or location - crossover	20
M45	Improper lane or location - crosswalk	20
M46	Improper lane or location - entrance/exit ramp or way	10
M48	Improper lane or location - in occupied lane	20
M49	Improper lane or location - in human occupant violator or restricted lane	20
M50	Improper lane or location - limited access highway	10
M51	Improper lane or location - median	20
M52	Improper lane or location - not on National Network	20
M57	Improper lane or location - oncoming traffic lane	20
M58	Improper lane or location - road shoulder, ditch, or sidewalk	20
M60	Improper lane or location - slower vehicle lane	20
M61	Improper lane or location - straddling center lines	20
M62	Improper lane or location - traveling in turn (or center) lane	20
M70	Improper passing	10
M71	Passing in violation of posted sign or pavement marking	20
M72	Passing in violation of opposite directions restrictions	10
M73	Passing on wrong side	20
M74	Passing on hill or curve	20
M75	Passing school bus displaying warning not to pass	25
M76	Passing where prohibited	20
M77	Passing with insufficient distance or visibility	20
M84	Reckless driving	55
N01	Failure to yield right of way	20



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ACD CODE	DESCRIPTION OF OFFENSE	POINTS
N03	Failure to yield right of way to cyclist	10
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15
N06	Failure to yield right of way to other vehicle	20
N07	Failure to yield right of way to overtaking vehicle	20
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)	20
N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10
N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way	5
N61	Driving wrong way at rotary intersection	5
N62	Driving wrong way on divided highway	5
N63	Driving wrong way on one way street or road	5
N70	Driving on wrong side	20
N71	Driving on wrong side of divided highway	20
N72	Driving on wrong side of undivided street or road	20
N82	Improper backing	10
N83	Improper starting	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S11	11-15 mph over speed limit (detail optional)	15
S15	Speeding 15 mph or more over speed limit (detail optional)	20
S16	16-20 mph over speed limit (detail optional)	20
S21	21-25 mph over speed limit (detail optional)	20

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
S26	26-30 mph over speed limit (detail optional)	50
S31	31-35 mph over speed limit (detail optional)	50
S36	36-40 mph over speed limit (detail optional)	50
S41	41 mph or more over speed limit (detail optional)	50
S50	Speeding in school zone (detail field)	50
S51	01-10 mph over speed limit (detail optional)	5
S61	11-20 mph over speed limit (detail optional)	15
S71	21-30 mph over speed limit (detail optional)	20
S81	31-40 mph over speed limit (detail optional)	50
S91	41 mph or more over speed limit (detail optional)	50
S92	Speeding - speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
S99	Speeding in school zone (no detail field)	50
U08	Vehicle manslaughter	25

DHR CODE	DESCRIPTION OF OFFENSE	POINTS
AC 1	Violation of a motor vehicle law resulting in bodily injury	25
C 15	Leaving the scene of an accident involving a commercial motor vehicle	25
C 18	Excessive speeding, involving any single offense for any speed of 15 miles per hour or more above the posted speed limit when operating a CMV	20
C 19	Driving a CMV in willful or wanton disregard for the safety of persons or property	55
C 20	Reckless driving, as defined by State or local law or regulation, when operating a CMV	55
C 21	Improper or erratic traffic lane changes when operating a CMV	20
C 22	Following the vehicle ahead too closely when operating a CMV	25
C 23	A violation, arising in connection with a fatal accident, of State or local law relating to motor vehicle traffic control (other than a parking violation) when operating a CMV	55
DE 2	Operating with defective brakes	20

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
DI 4	Illegal possession of alcohol or drugs in motor vehicle	25
EM 3	Towing or pushing vehicle improperly	10
FA 1	Violation of a motor vehicle law resulting in the death of another person	25
FO 1	Following too closely	25
FO 2	Failure of a truck to leave sufficient distance for being overtaken by another vehicle	20
HR 0	Hit and run; leaving the scene; evading arrest	25
HR 1	Failure to stop and render aid after involvement in an accident resulting in bodily injury	50
HR 2	Failure to stop and reveal identity after involvement in an accident resulting in property damage only (disqualification if committed in a commercial motor vehicle)	25
IL 1	Improper lane changing	20
IL 2	Failure to keep in proper lane	20
IL 5	Making improper entrance to or exit from traffic way	10
MS 1	Starting improperly from a parked position	15
MS 2	Improper backing	10
PA 0	Passing	10
PA 1	Passing on a hill, curve or when prohibited by posted signs or pavement markings	10
PA 2	Passing on wrong side	20
PA 3	Passing with insufficient distance allowed for other vehicles or with inadequate visibility	20
PA 4	Passing school bus taking on or discharging passengers or displaying warning not to pass	25
PA 5	Failure to signal intention to pass	15
PA 6	Failure to yield to overtaking vehicle	20
RK 1	Headless, willful, wanton or reckless disregard of the rights and safety of others in operating a motor vehicle, endangering persons or property	55
RW 1	Failure to yield right-of-way to emergency or other authorized vehicle	15
RW 2	Failure to yield right-of-way at yield sign, after stop sign, or when emerging from private traffic way	20
RW 3	Failure to yield right-of-way in a manner required at unsigned intersection	15
RW 4	Failure to yield right-of-way to pedestrian, animal rider or animal-drawn vehicle as required	20
SC 0	Signs and control devices	20

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DHR CONVICTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****
SC 1	Failure to follow instructions of a police officer	10
SC 2	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device	20
SC 5	Failure to observe safety zone	20
SI 0	Signaling intentions	15
SI 1	Failure to signal intention to change vehicle direction or to reduce speed suddenly	15
SI 2	Giving wrong signal	15
SP 0	Speeding	15
SP 2	Prima facie speed violation for driving too fast for conditions	10
SP 3	Speed in excess of posted maximum	5
SP 4	Speed less than posted minimum	5
TU 3	Making improper turn	15
WW 1	Driving wrong way on one-way street	5
WW 2	Driving on wrong side of road	20
WW 3	Driving in wrong direction at rotary intersection	5
ACD CODE	DESCRIPTION OF OFFENSE	
*****	*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04	
A08	Driving under the influence of alcohol with BAC at or over .08	
A10	Driving under the influence of alcohol with BAC at or over .10	
A11	Driving under the influence of alcohol with BAC at or over (detail field required)	
A12	Refused to submit to test for alcohol-Implied Consent Law	
A20	Driving under the influence of alcohol or drugs	
A21	Driving under the influence of alcohol	
A22	Driving under the influence of drugs	
A23	Driving under the influence of alcohol and drugs	
A24	Driving under the influence of medication not intended to intoxicate	
A25	Driving while impaired - ability definitely impaired	
A26	Drinking alcohol while operating a vehicle	
A27	Driving after drinking - level of intoxication or impairment not known	
A30	Possession	
A31	Illegal possession of alcohol	
A32	Illegal possession of alcohol or drugs	
A33	Illegal possession of drugs (controlled substances)	
A34	Illegal possession of weapon, including firearm	
A35	Possession of open alcohol container	

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A40	Aiding in violation of ignition interlock or immobilization device
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in manufacturing, distributing, or dispensing a controlled substance
A51	Transporting liquor illegally
A52	Transporting liquor to a minor
A60	Underage convicted of drinking and driving at 0-.02 BAC
A61	Underage Administrative Per Se - drinking and driving at 0-.02 BAC
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin
B01	Hit and run - failure to stop and render aid after accident
B02	Hit and run - failure to stop and render aid after accident - fatal accident
B03	Hit and run - failure to stop and render aid after accident - personal injury accident
B04	Hit and run - failure to stop and render aid after accident - property damage accident
B05	Leaving accident scene before police arrive
B06	Leaving accident scene before police arrive - fatal accident
B07	Leaving accident scene before police arrive - personal injury accident
B08	Leaving accident scene before police arrive
B09	Refusal to reveal identity after accident
B10	Refusal to reveal identity after accident - fatal accident
B11	Refusal to reveal identity after accident - personal injury
B12	Refusal to reveal identity after accident - property damage accident
B13	Failure of duties upon damaging unattended vehicle or injuring animals
B20	Driving while license withdrawn
B21	Driving while license barred
B22	Driving while license canceled
B23	Driving while license denied
B24	Driving while license disqualified
B25	Driving while license revoked
B26	Driving while license suspended
B27	Driving while license out of service order is in effect
B28	Driving while registration canceled
B29	Driving while registration suspended
B30	Permit unlicensed person to drive
B40	Possess or provide counterfeit or altered document

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B41	Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
B42	Possess or provide counterfeit or altered registration or title
B43	Missing, defaced, or obscured license plates
B44	Mutilated document
B45	Mutilated driver's license (includes DL, CDL, and Instruction Permit) or ID
B46	Expired registration card or title
B50	Expired or no document (or item) which is required
B51	Expired or no driver's license (includes DL, CDL, and Instruction Permit)
B52	Expired or no emissions inspection
B53	Expired or no license plates or decal/sticker
B54	Expired or no registration or title
B55	Expired or no vehicle safety inspection
B60	Failed to file document or report as required
B61	Failed to file accident report
B62	Failed to file change of address or name
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical certification/disability information
B70	Failed to show document as required
B71	Failed to show certificate of weight
B72	Failed to show driver's license (includes DL, CDL, and Instruction Permit)
B73	Failed to show emissions or vehicle (safety) inspection
B74	Failed to show insurance certification
B75	Failed to show operator's (driver's) log
B76	Failed to show registration
B77	Failed to show registration, title or driver's license (includes DL, CDL, and Instruction Permit)
B80	Failed to surrender driver's license (includes DL, CDL, and Instruction Permit)
B81	Failed to surrender driver's license, registration, plates or title
B82	Failed to surrender registration, plates or title
B83	False report
B84	False report of accident
B85	False report of emissions inspection
B86	False report of odometer reading or disclosure
B87	False report of operator's (driver's) log
B88	False report of theft
B89	False report of vehicle (safety) inspection
B90	Failed to provide or submit title transfer documents



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
B91	Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
B92	Loan driver's license (includes DL, CDL, and Instruction Permit) to another person
B93	Loan registration or plates to another person
D01	Misrepresentation of identity or other facts
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D03	Misrepresentation of identity or other facts on application for handicap permit/plates
D04	Misrepresentation of identity or other facts on application for registration or title
D05	Misrepresentation of identity or other facts to avoid arrest or prosecution
D06	Misrepresentation of identity or other facts to obtain alcohol
D07	Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
D10	Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
D11	Manufacture or duplicate false emissions or vehicle (safety) inspection certificates
D12	Manufacture or duplicate false registration or title
D15	Present or use improperly - document (or item) not specified
D16	Present or use improperly - emissions or vehicle (safety) inspection certificate
D18	Present or use improperly - insurance certification
D19	Present or use improperly - operator's (driver's) log
D20	Present or use improperly - registration, plates, or decal/sticker
D21	Present or use improperly - registration or title
D25	Use another's driver's license (includes DL, CDL, and Instruction Permit)
D26	Use another's registration, plates, or title
D27	Violate limited license conditions
D28	Violate limits of registration (manufacturer, transporter, dealer, farm, antique, etc.)
D29	Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D40	Failure to appear
D41	Failure to appear for hearing or mandatory appearance

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
D42	Failure to appear for or complete department investigations
D43	Failure to appear for or complete examination/re-examination
D45	Failure to appear for trial or court appearance
D50	Failure to make required payment
D51	Failure to make required payment of child support
D52	Failure to make required payment of fee
D53	Failure to make required payment of fine and costs
D54	Failure to make required payment of tax
D55	Failure to make required payment of toll
D65	Depositing harmful (including injurious and burning) substance on traffic way
D66	Failure to remove harmful substance from traffic way
D67	Littering from a motor vehicle
D68	Throwing from vehicle any harmful substance
D70	Driver's view obstructed
D71	Exceeding hours on duty limitations
D72	Inability to control vehicle
D73	Obscuring, tampering with, or illegally displaying traffic control device, warning, or instructions
D74	Operating a motor vehicle improperly because of drowsiness
D75	Operating a motor vehicle improperly due to physical or mental disability
D76	Perjury
D77	Sex offense in a motor vehicle
E01	Operating without equipment as required by law
E02	Operating without brakes as required by law
E03	Operating without HAZMAT safety equipment as required by law
E04	Operating without HAZMAT placards/markings as required by law
E05	Operating without lights as required by law
E06	Operating without school bus equipment as required by law
E20	Use of equipment prohibited by law
E21	Use of colored lights and/or siren prohibited by law
E22	Use of emergency vehicle markings prohibited by law
E23	Use of radar or laser detector prohibited by law
E24	Use of vehicle lights prohibited by law
E30	Defective equipment
E31	Defective brakes
E32	Defective emissions control device
E33	Defective HAZMAT safety devices
E34	Defective lights
E35	Defective or noisy exhaust system or muffler
E36	Defective school bus equipment
E37	Defective tires
E50	Failure to use equipment as required
E51	Failure to use brakes

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F52	Failure to use disabled vehicle lights, reflectors, or flares as required
F53	Failure to use HAZMAT safety devices as required
F54	Failure to use headlight dimmer as required
F55	Failure to use lights as required
F56	Failure to use school bus safety equipment as required
F57	Failure to use snow tires or chains as required
F70	Equipment used improperly or obstructed
F71	Brakes used improperly
F72	Emissions control device used improperly or obstructed
F73	Equipment used improperly - making excessive noise
F74	Exhaust system used improperly or obstructed
F80	Failure to correct defects after inspection failure or notice
F01	Safety equipment not used properly as required
F02	Child or youth restraint not used properly as required
F03	Motorcycle safety equipment not used properly as required
F04	Seat belt not used properly as required
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F10	Exceeding or violating size, weight, or passenger cargo limits
F11	Exceeding or violating passenger or cargo limits of vehicle/truck
F12	Exceeding or violating size limits of vehicle/truck
F13	Exceeding or violating weight limits of vehicle/truck
F14	Exceeding or violating passenger or cargo limits of motorcycle
F15	Exceeding or violating size limits of road/bridge/tunnel
F16	Exceeding or violating weight limits of road/bridge/tunnel
F20	Failure to weigh vehicle or stop at weigh station
F21	No/improper trip permit
F22	No warning for projecting load
F23	Spilling, dragging, unsecured or unsafe load
F24	Violation of excess size/weight permit
F30	Failure to place red flags or flares
F31	Failure to set brake(s)
F32	Non-emergency stop
F33	Parking in a handicap zone
F34	Stopping, standing, or parking: obstructing or impeding traffic
F35	Stopping, standing, or parking where prohibited or improper
F40	Improper vehicle used on roadway
F41	Operate or permit vehicle where prohibited or not authorized
F60	Abandoned vehicle
F61	Alteration of emissions control device
F62	Failed to get VIN
F63	Leaving vehicle unattended with engine running

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
F64	Opening vehicle door into moving traffic or while vehicle is in motion
F65	Towing or pushing vehicle improperly
F66	Unsafe condition of vehicle (no specified component)
M01	Failure to obey barrier
M02	Failure to obey construction or maintenance zone markers
M03	Failure to obey flagger
M04	Failure to obey lane markings or signal
M05	Failure to obey motor carrier rules/regulations
M06	Failure to obey pedestrian control device
M07	Failure to obey police or peace officer
M08	Failure to obey railroad crossing restrictions
M09	Failure to obey railroad gates, signs, or signals
M10	Failure to obey restricted lane
M11	Failure to obey safety zone
M12	Failure to obey school crossing guard
M13	Failure to obey sign or traffic control device
M14	Failure to obey stop sign
M15	Failure to obey traffic signal or light
M16	Failure to obey traffic sign
M17	Failure to obey warning light or flasher
M18	Failure to stop: basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
M19	Failure to leave sufficient distance for overtaking by other vehicles
M25	Following improperly
M30	Failure to leave sufficient distance for overtaking by other vehicles
M31	Following emergency vehicle unlawfully
M32	Following fire equipment unlawfully
M33	Following too closely
M34	Improper lane or location
M40	Failure to keep in proper lane
M41	Improper or erratic (unsafe) lane changes
M42	Ran off road
M43	Improper lane or location - crossover
M44	Improper lane or location - crosswalk
M45	Improper lane or location - entrance/exit ramp or way
M46	Improper lane or location - in bicycle lane
M47	Improper lane or location - in occupied lane
M48	Improper lane or location - in human occupant violator or restricted lane
M49	Improper lane or location - limited access highway
M50	Improper lane or location - median
M51	

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
M52	Improper lane or location - not on National Network
M53	Improper lane or location - not on route authorized by permit
M54	Improper lane or location - not on truck route
M55	Improper lane or location - on rail or streetcar tracks
M56	Improper lane or location - on fire hose
M57	Improper lane or location - oncoming traffic lane
M58	Improper lane or location - road shoulder, ditch or sidewalk
M60	Improper lane or location - slower vehicle lane
M61	Improper lane or location - straddling center line(s)
M62	Improper lane or location - traveling in turn (or center) lane
M70	Improper passing
M71	Passing in violation of posted sign or pavement marking
M72	Passing in violation of opposite directions restriction
M73	Passing on wrong side
M74	Passing on hill or curve
M75	Passing school bus displaying warning not to pass
M76	Passing where prohibited
M77	Passing with insufficient distance or visibility
M80	Reckless, careless, or negligent driving
M81	Careless driving
M82	Inattentive driving
M83	Negligent driving
M84	Reckless driving
N01	Failure to yield right of way
N02	Failure to yield right of way to animal rider or animal drawn vehicle
N03	Failure to yield right of way to cyclist
N04	Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)
N05	Failure to yield right of way to funeral procession, procession or parade
N06	Failure to yield right of way to other vehicle
N07	Failure to yield right of way to overtaking vehicle
N08	Failure to yield right of way to pedestrian (includes handicapped or blind)
N09	Failure to yield right of way to school bus
N20	Failure to yield right of way at crosswalk
N21	Failure to yield right of way at rotary
N22	Failure to yield right of way at stop sign
N23	Failure to yield right of way at traffic sign
N24	Failure to yield right of way at traffic signal
N25	Failure to yield right of way at unsigned intersection
N26	Failure to yield right of way at yield sign
N30	Failure to yield right of way when warning displayed on other vehicle

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
N31	Failure to yield right of way when turning
N40	Failure to use signal or improper signal
N41	Failure to cancel directional signals
N42	Failure to signal intention to pass
N43	Failure to signal lane change or turn
N44	Giving wrong signal
N50	Improper turn
N51	Improper method of turning
N52	Improper position for turning
N53	Making improper left turn
N54	Making improper right turn
N55	Making improper turn around (not U turn)
N56	Making improper U turn
N60	Driving wrong way
N61	Driving wrong way at rotary intersection
N62	Driving wrong way on divided highway
N63	Driving wrong way on one way street or road
N70	Driving on wrong side
N71	Driving on wrong side of divided highway
N72	Driving on wrong side of undivided street or road
N80	Coasting (operating with gears disengaged)
N81	Clinging to other vehicles
N82	Improper backing
N83	Improper starting
N84	Unsafe operations
S01	01-05 mph above speed limit (detail optional)
S06	06-10 mph above speed limit (detail optional)
S11	11-15 mph above speed limit (detail optional)
S15	Speeding 15 mph or more above speed limit (detail optional)
S16	16-20 mph above speed limit (detail optional)
S21	21-25 mph above speed limit (detail optional)
S26	26-30 mph above speed limit (detail optional)
S31	31-35 mph above speed limit (detail optional)
S36	36-40 mph above speed limit (detail optional)
S41	41 mph or more above speed limit (detail optional)
S50	Speeding in school zone (detail field)
S51	01-10 mph above speed limit (detail optional)
S61	11-20 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
S96	Speed less than minimum
S97	Operating on erratic or suddenly changing speeds
S98	Speeding on freeway (wasting fuel)
S99	Speeding in school zone (no detail field)
U01	Fleeing or evading police or roadblock
U02	Resisting arrest
U03	Using a motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter
U20	Damaging or tampering with vehicle
U21	Illegal operation of emergency vehicle
U22	Odometer reading
U23	Receiving or disposing of stolen vehicle or its parts
U24	Removal, falsification, or unauthorized use of VIN or registration plate
U25	Unauthorized use of a vehicle or taking a vehicle without owner consent
U26	Vehicle theft
U30	Violation resulting in accident
U31	Violation resulting in fatal accident
U32	Violation resulting in personal injury accident
U33	Violation resulting in property damage accident
W01	Accumulation of convictions (including point systems, and/or being judged a habitual offender or violator)
W10	Withdrawal (reason not specified)
W11	Family report recommended
W12	Immigration law offender
W13	Parental consent withdrawn
W14	Physical or mental disability
W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
W21	Unable to pass re-examination
W22	Underage for license
W23	Underage possession of tobacco
W24	Underage school dropout
W25	Disobeying terms of probation
W26	Insufficient funds, protested or invalid check
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENTS

WITHDRAWAL CODE	DESCRIPTION OF OFFENSE
*****	*****
C 11	Driving a commercial motor vehicle while the person's alcohol concentration is 0.04 percent or more
C 13	Refusal to undergo such testing as is required by any state or jurisdiction
C 51	Disqualification for driving a CMV while the person's alcohol concentration is 0.04 percent or more
C 52	Disqualification for driving under the influence of alcohol, as prescribed by State law
C 53	Disqualification for refusal to undergo such testing as is required by any state or jurisdiction
C 54	Disqualification for driving a CMV while under the influence of a controlled substance as defined under Section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6))
C 55	Disqualification for leaving the scene of an accident involving a CMV
C 56	Disqualification for a felony involving the use of a CMV as in C 16
C 61	As in C 51, but involving hazardous materials
C 62	As in C 52, but involving hazardous materials
C 63	As in C 53, but involving hazardous materials
C 64	As in C 54, but involving hazardous materials
C 65	As in C 55, but involving hazardous materials
C 66	As in C 56, but involving hazardous materials
C 70	Disqualification for the use of a CMV in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance as in C 17
C 71	Disqualification for 2nd offense for any combination of violations as described in C 11-C 16
C 80	Disqualification of a driver who during any 3-year period is convicted of two serious traffic violations in separate incidents; disqualification period is 60 days
C 81	Disqualification of a driver who during any 3-year period is convicted of three serious traffic violations in separate incidents; disqualification period is 120 days
C 99	24 Hour Out-of-Service Order
DI 3	Refusal to submit to a test for alcohol after arrest for driving while intoxicated or suspicion of intoxication

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Rulemaking
- 2) Code Citation: 1 Ill. Adm. Code 100

3) Section Numbers: Proposed Action:

100.110 Amended  
 100.130 Amended  
 100.140 Amended  
 100.150 Amended  
 100.200 Amended  
 100.220 Amended  
 100.240 Amended  
 100.300 Amended  
 100.340 Amended  
 100.370 Amended  
 100.410 Amended  
 100.450 Amended  
 100.500 Amended  
 100.530 Amended  
 100.545 Amended  
 100.610 Amended  
 100.670 Amended  
 100.710 Amended  
 100.800 Amended  
 100.1100 Amended  
 100.1110 Amended  
 100.Appendix A Amended  
 Illustration A Amended  
 Illustration B Amended  
 Illustration C Amended  
 Illustration D Amended  
 Illustration E Amended  
 100.Appendix B Amended  
 Illustration A Amended  
 Illustration D Amended  
 Illustration E Amended  
 Illustration F Amended  
 Illustration G Amended  
 Illustration H Amended  
 Illustration I Amended  
 100.Appendix C Amended  
 Illustration A Amended  
 Illustration D Amended  
 100.Appendix D Amended  
 Illustration A Amended  
 Illustration D Amended  
 100.Appendix E Amended  
 Illustration A Amended

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

Illustration B Amended  
 Illustration C Amended  
 Illustration D Amended  
 Illustration E Amended  
 Illustration H New

- 4) Statutory Authority: 5 ILCS 100

- 5) A. Complete Description of the Subjects and Issues Involved: In order to make the Illinois Administrative Code easier to access and use by the public, the codification system is being changed to mirror the subject areas of the Illinois Compiled Statutes (ILCS). Titles, Subtitles and Subchapters of the codification system adopted in the 1980s will be replaced by the ILCS chapter headings. Changes to approximately 2,000 rules that make up the Code will be completed in 2001, and a preliminary conversion chart is being published in this issue of the Register on ILAC-1.

The Code will follow the same chapter numbering as the ILCS. While the ILCS citation will serve as the Chapter number in the new codification system and the ILCS Act number as the next ILAC division, in almost all cases the existing Part number of rules will not change. The new cite for the Code will change from Ill. Adm. Code to ILAC. The Code will be reduced from seven levels to five levels. Titles, Subtitles and Subparts will be eliminated. State agencies, boards and commissions will be referred to as agencies, not as Chapters.

The procedure for the codification change will consist of the Index Department staff working in consultation with JCAR in determining an implementation schedule. Agencies will have the opportunity to decide where their rules best fit in the codification scheme, and if necessary, a more accurate Authority Note and Part number will be assigned. The only changes authorized to be made during this codification are the new code citation, correct Code citations within the text, and updating any citation from Ill. Rev. Stat. to ILCS. When filing the codification changes, an agency may list its rules on a single Notice of Codification Change.

During this codification change, agencies shall submit new file pages to the Index Department. The file pages may be either produced by an agency or generated from the LIS database. Before the file pages are accepted, they must correspond accurately with the rules currently on file with the Secretary of State. An agency shall also submit a mark-up version so the rules can be proofed against what is currently on file with the Secretary of State, and so that material can be used to update the LIS database so both sources are identical.

Other changes in this rulemaking include reducing the amount of copies

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

agencies shall submit for rulemaking from one original and four copies to one original and two copies. The deadline for submitting documents for the Register is being changed to 4:30 p.m. on Monday from 12 p.m. on Tuesday. When a State holiday falls on Monday, the deadline shall be 12 p.m. on Tuesday. Also, the text in the Sections being amended has been edited in order to eliminate redundancy and to be more concise.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph A. Natale  
Administrator  
Illinois Administrative Code  
111 E. Monroe  
Springfield, IL 62756  
217-528-5816

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses that must follow the rules of the State of Illinois will be affected. Although the text of the rules will not change, the numbering system will change and they will have to become acquainted with the new system, which mirrors the statutes of the rules that regulate the small business.

B) Reporting, bookkeeping or other procedures required for compliance: This does not affect compliance procedures currently existing in the rules.

C) Types of professional skills necessary for compliance: Familiarity with the ILCS numbering system will be helpful since the statutory numbering system will serve as a gateway to the Illinois Administrative Code.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

The full text of the proposed Amendment begins on the next page:



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

TITLE 1: GENERAL PROVISIONS  
CHAPTER 1: SECRETARY OF STATE

## PART 100

## RULEMAKING IN ILLINOIS

## SUBPART A: DEFINITIONS AND CODIFICATION

Section  
100.100  
100.110  
100.120  
100.130  
100.140  
100.150  
100.160  
100.170  
100.180

Rulemaking Compliance  
Definitions  
Agencies Covered  
Illinois Administrative Code Organization  
Codification Outline  
Notice of Codification Changes  
Deletion or Transfer of Rules  
Re-using Part or Section Numbers (Renumbered)  
Style Manual

## SUBPART B: ILLINOIS REGISTER

Section  
100.200  
100.210  
100.220  
100.225  
100.230  
100.240  
100.250  
100.260  
100.270  
100.280  
100.290

Publication Schedule and Deadline  
Contents  
Publication Requirements  
Cover Letter  
Publication of Materials Incorporated by Reference  
Notices of Corrections  
Expedited Corrections  
Indexes  
Illinois Register Availability  
Fees  
Uncodified Rules (Repealed)

## SUBPART C: RULE DRAFTING REQUIREMENTS

Section  
100.300  
100.310  
100.315  
100.320  
100.330  
100.335  
100.340  
100.345  
100.350  
100.360  
100.370

Headings  
Table of Contents  
Re-using Part or Section Numbers  
Authority Note  
Source Notes  
Automatic Repeal of Rules  
Text of the Part; Subsections  
Renumbering Sections within a Part  
Supplementary Material  
Proper Format  
Citation of Codified Rules

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

Statutory Language and Statutory Citations  
Incorporation by Reference; Citation of Referenced Material  
Footnotes; Agency Notes; Editor's Notes

100.380  
100.385  
100.390

## SUBPART D: PROPOSED RULES

Section  
100.400  
100.410  
100.415  
100.420  
100.430  
100.440  
100.445  
100.450

Required Notice Periods  
Notice of Proposed Rules  
Other Statutory Requirements for Rulemaking  
Text of Proposed Rules  
Notice of Corrections  
Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule  
Requirements for Submitting Materials for Register Publication  
Index Department Review of Proposed Rules

## SUBPART E: ADOPTED RULES

Section  
100.500  
100.510  
100.520  
100.530  
100.540  
100.545  
100.550

Requirements for Filing  
Other Documents Required for Filing Adopted Rules  
Requirements for Illinois Register Publication  
Notice of Adopted Rules  
Text of Adopted Rules  
Index Department Review of Adopted Rules  
Certificate of Review and Approval

## SUBPART F: EMERGENCY RULES

Section  
100.600  
100.610  
100.620  
100.630  
100.640  
100.650  
100.655  
100.660  
100.670  
100.680

Filing; Agency Certification  
Notice of Emergency Rules  
Text of Emergency Rules  
File Copy of Emergency Rules  
Effectiveness  
Adoption as a Permanent Rule  
Index Department Review of Emergency Rules  
Certificate of Review and Approval  
Modification of an Emergency Rule  
Repeal of an Emergency Rule

## SUBPART G: PEREMPTORY RULES

Section  
100.700  
100.710  
100.720

Submission; Agency Certification  
Notice of Peremptory Rules  
Text of Peremptory Rules

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100.730 File Copy of Peremptory Rules  
100.735 Index Department Review of Peremptory Rules  
100.740 Certificate of Review and Approval

SUBPART H: INTERNAL RULES

Section  
100.800 Requirements  
100.810 Effectiveness; Exemption from Notice  
100.815 Index Department Review of Internal Rules  
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SUBPART I: PROHIBITED FILING

Section  
100.900 Certified Statements from Joint Committee on Administrative Rules  
100.910 Prohibition of the Filing of Rules  
100.920 Continuation of Prohibition

SUBPART J: PUBLIC INSPECTION AND COPYING

Section  
100.1000 Certified Rules; Inspection  
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100.1020 Illinois Administrative Code  
100.1025 Public Domain  
100.1030 State Property (Repealed)

SUBPART K: MISCELLANEOUS

Section  
100.1100 Recodification of Rules  
100.1110 Notice of Recodification  
100.1115 Index Department Review of Recodified Rules  
100.1120 Certificate of Review and Approval  
100.1130 Format for Register Publication of Notices of the Joint Committee on Administrative Rules  
100.1140 Index Department Review of Other Notices and Materials Submitted for Register Publication  
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SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section  
100.1200 Availability  
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APPENDIX A Proposed Rules

ILLUSTRATION A Notice of Proposed Rules  
ILLUSTRATION B Notice of Withdrawal of Proposed Rules  
ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules

ILLUSTRATION D Notice of Corrections to Proposed Rules  
ILLUSTRATION E Notice of Public Hearing on Proposed Rules  
ILLUSTRATION F Notice of Corrections to Notice Only (Renumbered)

APPENDIX B Adopted Rules

ILLUSTRATION A Notice of Adopted Rules  
ILLUSTRATION B Text of Adopted Rules (Repealed)  
ILLUSTRATION C Agency Certification  
ILLUSTRATION D Format for Filing Adopted Codified Rules  
ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules  
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ILLUSTRATION G Request for Expedited Correction  
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APPENDIX C Emergency Rules

ILLUSTRATION A Notice of Emergency Rules  
ILLUSTRATION B Text of Emergency Rules (Repealed)  
ILLUSTRATION C Agency Certification of Emergency Rules  
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APPENDIX D Peremptory Rules

ILLUSTRATION A Notice of Peremptory Rules  
ILLUSTRATION B Text of Peremptory Rules (Repealed)  
ILLUSTRATION C Agency Certification of Peremptory Rules  
ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

APPENDIX E Miscellaneous

ILLUSTRATION A Notice of Recodification  
ILLUSTRATION B Notice of Corrections to Notice Only  
ILLUSTRATION C Certificate of Review and Approval  
ILLUSTRATION D Notice of Codification Changes  
ILLUSTRATION E Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules  
ILLUSTRATION F Regulatory Agenda  
ILLUSTRATION G Regulatory Flexibility Notice  
ILLUSTRATION H Notice of Publication Error

AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act [5 ILCS 100].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12488, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985;

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emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill. Reg. 10414, effective July 1, 1993; amended at 18 Ill. Reg. 13067, effective August 11, 1994; emergency amendments at 18 Ill. Reg. 17275, effective November 22, 1994, for a maximum of 150 days; emergency expired April 21, 1995; amended at 19 Ill. Reg. 7626, effective June 1, 1995; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: DEFINITIONS AND CODIFICATION

## Section 100.110 Definitions

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act (~~1991-CH-1277-PARS-1001-I-ET-SEQ-7~~ [5 ILCS 100]). Also referred to as the IAPA.

"Administrative Code Division": A Division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code.

"Agency": Agency means each officer, board, commission, and agency created by the Constitution, whether in the executive, legislative, or judicial branch of State government, but other than the circuit court, each officer, department, board, commission, agency, institution, authority, university, and body politic and corporate of the State, each administrative unit or corporate outgrowth of the State government that is created by or pursuant to statute, other than units of local government and their officers, school districts, and boards of election commissioners; and each administrative unit or corporate outgrowth of the above and as may be created by executive order of the Governor. [5 ILCS 100/1-20]

"Agreements": All changes made by agreement between an agency and the Joint Committee on Administrative Rules during the second notice period.

"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section.

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at

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the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another or of an Appendix.

"Authority": The right or power to promulgate rules. Such authority appears in the Illinois Compiled Revised Statutes or in an Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes the Part is implementing, and the statutes that give the agency the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced, ~~7 even when it is clearly typed for reproduction.~~ A document is camera-ready when it is clearly typed ~~for reproduction--on word-processing or computer equipment~~ in solid black ink on one side of an 8 1/2 by 11 inch sheet of white paper ~~(uncoded stock). Neither dot-matrix type nor photocopies are considered to be camera-ready--uncoded stock means that bond paper with a visible watermark (when the paper is held up to the light) shall not be used.~~

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the Index Department certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. [5 ILCS 100/5-85] (See Appendix B, Illustration 1).

"Certificate of Review and Approval": The Certificate issued to an agency for a Part, amendments to a Part, or a repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The Certificate is filed in the Index Department with the adopted rules.) (See Section 100.550 and 100.Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code; designation for broad subject areas consisting of the Chapter Number from the Illinois Compiled Statutes. Each Chapter within the Code designates a state agency.

"Citation": The citation of a State state or federal rule containing the information necessary for the reader to locate the rule in the



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Code of Federal Regulations or the Federal Register, the Illinois Administrative Code or the Illinois Register.

"Code": The Illinois Administrative Code (abbreviated "ILAC" ~~with~~ **Admin--Code**).

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the ~~Chapter title~~ number, the Code abbreviation (ILAC ~~with~~ **Admin--Code**) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents submitted to the Index Department for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the Index Department's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the Index Department's staff).

"Emergency Rule": A rule (or amendment or repealer) adopted without prior notice or hearing due to a situation which the agency finds constitutes a *threat to the public interest, safety or welfare*. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction": A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

"General Act": A division of the Illinois Administrative Code and a division of the Illinois Compiled Statutes.

"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division of the Code (for example, the heading for this Part is "Rulemaking" (see ~~See~~ Section 100.130)); also the information which must appear at the top of each page for both Register publication (includes the Register heading, the agency name and the type of rulemaking action (see ~~See~~ 100.Appendix A, Illustration A)) and for codified rules filed with the Index Department (includes the ~~title--Subtitle--(if--applicable)~~ Chapter, General Act, Subchapter--~~(if--applicable)~~ Part, Subparts (if applicable), and Section numbers (see ~~See~~ 100.Appendix B, Illustration

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D)). (See Section 100.300)

"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act (~~with~~ **Rev--Stat--4991--ch--637--par--29-47--see--P.A--87-1805**) [25 ILCS 135/5.04]; (abbreviated "ILCS").

"Illinois Register": The weekly publication which contains the rulemaking activity of ~~State the state's~~ agencies, JCAR notices, the Governor's Executive Orders and Proclamations and other materials required by statute (abbreviated "Ill. Reg."). Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified (abbreviated "Ill. Rev. Stat."). This citation was used for statute citations prior to the recodification to ILCS.

"Implemented Statutes": Those laws contained in the Illinois Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

"JCAR": The abbreviation for the Joint Committee on Administrative Rules, the legislative support services agency responsible for reviewing current rules of ~~State the state's~~ agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code.

"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United

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States Congress.

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number.

"Peremptory Rule": A rule or amendment necessitated by federal laws, federal rules, or court orders or certain collective bargaining agreements which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-50 of the Act. (See Subpart G).

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes the renumbering of an entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section and moving Sections (or subsections) of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JCAR for the second notice period, pursuant to Section 5-40(c) of the Act. (See also Section 100.415(a) of this Part)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections must still remain in strict numerical order, and, if the Part has Subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than six Sections are being renumbered within one Part, or when Sections within Subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new

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Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, canceling) a rule.

"Replacement Page": The page which must be filed with the Index Department when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed and no text remains. The table of contents page when an emergency rule or amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request an agency files with the Joint Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the Index Department, requesting an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": Each agency statement of general applicability that implements, applies or interprets policy; a Section of a Part. (See Section 1-70 of the Act)

"Secretary of State": The Administrative Code Division, a division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Part. (See Section 100.330)

"Short Title": A title of an Act created within that Act, which should be used to identify that Act. ~~Unless a short title is actually specified in the Act itself, a short title may not be used.~~ Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note")

"Statement of Statewide Policy Objectives": The statement as

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specified in Section 5 of the State Mandates Act (Ill. Rev. Stat. 1997, ch. 85, par. 2205) [30 ILCS 805/5] and which must appear on the Notice of Proposed, Emergency or Peremptory Rules. (See Sections 100.410(a)(10), 100.415(b), 100.610(a)(11) and 100.710(a)(12) of this Part and Section 5-10(d) of the Act)

"Statutory Citation": The citation of an Act, either State or federal, containing the information necessary for the reader to locate the Act in the Illinois Revised Statutes, the Illinois Compiled Statutes, the Illinois annotated statutes, the United States Code, and the United States Code Annotated.

"Style Manual": The manual prepared by the Index Department which is to be used in conjunction with this Part and the IAPA and which gives examples for agencies to follow when promulgating rules in codified format.

"Subchapter": A division of the Code; the designation for a group of related Parts under a single agency (Chapter); Subchapters may correspond to organizational divisions of the agency.

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

"Subtitle": A division of the Code; the designation for subject areas within a title which are focused on particular issues or subjects but which involve the rules of more than one agency.

"Title": A division of the Code; the designation for a broad subject area.

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

"U.S.C.A.": The abbreviation for the annotated edition of the United States Code.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.130 Illinois Administrative Code Organization

The Illinois Administrative Code is arranged by five seven major divisions: Chapter Title, Subtitle, General Act Chapter, Subchapter, Part, Subpart, and

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Section. (See Section 100.110 for definitions of these divisions.) There are 67 33 Chapters Titles within the Code, each covering a broad subject area. These Chapters Titles are listed in Section 100.140. The Agency responsible for individual Parts shall be identified.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.140 Codification Outline

The 67 33 Chapters Titles of the Code with their applicable Subtitles are listed below. If an agency does not know where its rules appear it appears in the Code outline, it must contact the Index Department, which maintains a detailed outline including Chapters, General Acts Subchapters and Parts.

Government	
5	General Provisions
10	Elections
15	Executive Officers
20	Executive Branch
25	Legislature
30	Finances
35	Revenue
40	Pensions
45	Interstate Compacts
50	Local Government
55	Counties
60	Townships
65	Municipalities
70	Special Districts
75	Libraries
Education	
105	Schools
110	Higher Education
115	Education Labor Relations
Regulations	
205	Financial Regulations
210	Health Facilities
215	Insurance
220	Utilities
225	Professions and Occupations
230	Gaming
235	Liquor
240	Warehouses
Human Needs	



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305 Public Aid  
 310 Housing  
 315 Urban Problems  
 320 Aging  
 325 Children  
 330 Veterans  
 Health and Safety  
 405 Mental Health  
 410 Public Health  
 415 Environmental Safety  
 420 Nuclear Safety  
 425 Fire Safety  
 430 Public Safety

Husbandry  
 505 Agriculture  
 510 Animals  
 515 Fish  
 520 Wildlife  
 525 Conservation

Transportation  
 605 Roads and Bridges  
 610 Railroads  
 615 Waterways  
 620 Air Transportation  
 625 Vehicles

Rights and Remedies  
 705 Courts  
 710 Alternative Dispute Resolution  
 715 Notices  
 720 Criminal Offenses  
 725 Criminal Procedures  
 730 Corrections  
 735 Civil Procedures  
 740 Civil Liabilities  
 745 Civil Immunities  
 750 Families  
 755 Estates  
 760 Trusts and Fiduciaries  
 765 Property  
 770 Liens  
 775 Human Rights

Business  
 805 Business Organizations

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810 Commercial Code  
 815 Business Transactions  
 820 Employment

Title-1--General Provisions  
 Title-2--Governmental Organization  
 Subtitle-A--Legislative Agencies  
 Subtitle-B--Courts and the Judiciary  
 Subtitle-C--Individual Constitutional Officers  
 Subtitle-D--Code Departments  
 Subtitle-E--Miscellaneous State Agencies  
 Subtitle-F--Educational Agencies  
 Title-3--Legislature

Subtitle-A--General Assembly  
 Subtitle-B--Legislative Management Agencies  
 Title-4--Discrimination Procedures  
 Title-8--Agriculture and Animals  
 Title-11--Alcohol, Horse Racing, and Lottery  
 Subtitle-A--Alcohol  
 Subtitle-B--Horse Racing  
 Subtitle-C--Lottery  
 Title-14--Commerce

Subtitle-A--Regulation of Business  
 Subtitle-B--Consumer Protection  
 Subtitle-C--Economic Development

Title-17--Conservation  
 Title-20--Corrections, Criminal Justice, and Law Enforcement  
 Title-23--Education and Cultural Resources  
 Subtitle-A--Education  
 Subtitle-B--Cultural Resources

Title-26--Elections  
 Title-29--Emergency Services, Disaster, and Civil Defense  
 Title-32--Energy  
 Title-35--Environmental Protection

Subtitle-A--General Provisions  
 Subtitle-B--Air Pollution  
 Subtitle-C--Water Pollution  
 Subtitle-D--Mine-Related Water Pollution  
 Subtitle-E--Agriculture-Related Water Pollution  
 Subtitle-F--Public Water Supplies  
 Subtitle-G--Waste Disposal  
 Subtitle-H--Noise

Subtitle-I--Atomic Radiation  
 Subtitle-J--Environmental Research  
 Subtitle-K--Environmental Financing  
 Subtitle-L--Environmental Occupations  
 Title-38--Financial Institutions  
 Title-41--Fire Protection

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**Title-44:--Government-Contracts--Procurement-and-Property-Management**  
     **SubTitle-A:--General-Procurement**  
     **SubTitle-B:--Supplemental-Procurement-Rules**  
     **SubTitle-C:--Governmental-Records**  
     **SubTitle-D:--Property-Management**  
     **SubTitle-E:--Miscellaneous-Provisions**  
**Title-47:--Housing-and-Community-Development**  
     **Title-50:--Insurance**  
**Title-53:--Intergovernmental-Relations**  
     **Title-56:--Labor-and-Employment**  
     **Title-59:--Mental-Health**  
     **Title-63:--Mining**  
**Title-68:--Professions-and-Occupations**  
     **Title-71:--Public-Buildings--Facilities--and-Real-Property**  
     **Title-74:--Public-Pinance**  
     **Title-77:--Public-Health**  
     **Title-80:--Public-Officials-and-Employees**  
     **SubTitle-A:--Merit-Employment-Systems**  
     **SubTitle-B:--Personnel---Rules---Pay---Plans---and---Position**  
     **Classifications**  
     **SubTitle-C:--Labor-Relations**  
     **SubTitle-D:--Retirement-Systems**  
     **SubTitle-E:--Ethics**  
     **SubTitle-F:--Employee-Benefits**  
     **SubTitle-G:--Payroll-Deductions**  
     **SubTitle-H:--Deferred-Compensation**  
     **SubTitle-I:--General-Travel-Control**  
     **Title-83:--Public-Utilities**  
     **Title-86:--Revenue**  
     **Title-89:--Social-Services**  
     **Title-92:--Transportation**  
     **Title-95:--Veterans-and-Military-Affairs**

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.150 Notice of Codification Changes

- a) Style changes may be made by the Index Department in the codification of rules to:
- 1) facilitate the public's use of the Code,
  - 2) comply with the requirements of the computer data base, or
  - 3) bring previously filed codified rules into compliance with the current codification style.
- b) When such changes are made to codified rules, they are nonsubstantive and do not affect the meaning of the text.
- c) Before filing codified rules with style changes, the Index Department will notify the agency of all changes made and will request a

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certification from the agency authorizing the rules as changed to be filed.

d) The Index Department will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100.Appendix E, Illustration D7.) During codification changes, all the Parts that are being changed may be listed on a single Notice of Codification Changes.

e) A Notice of Codification Changes will also be published for changes the Index Department makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: ILLINOIS REGISTER

Section 100.200 Publication Schedule and Deadline

- a) The Index Department publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.
- b) Pursuant to the provisions of this Part, all documents submitted to the Index Department for Illinois Register publication shall be received by 4:30 p.m. on Monday 12:00 p.m.-on-Tuesday. When a State holiday falls on Monday, the deadline shall be 12 p.m. on Tuesday. All documents meeting publication requirements will appear in the following week's Register.
- c) However, all new rules, amendments, repealers and expedited corrections which an agency is ready to adopt must be submitted to the Index Department either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed in subsection (b) above. (See also Section 100.550)
- d) Copies of the current year's publication schedule with deadline dates are published weekly in the Illinois Register.
- e) In the event that an agency which has submitted a proposed rule for publication subsequently wishes to withdraw that proposal prior to its publication, but after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100.Appendix A, Illustration C) No agency may withdraw an adopted, emergency or peremptory rule or expedited correction once it has been filed with the Index Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 100.220 Publication Requirements

a) All documents submitted for publication shall meet the following requirements:

1) Each document shall be typewritten ~~for--produced--on--word processing--or-computer-equipment~~ on 8 1/2 x 11 inch white paper ~~(at-least-20-lb-weight)~~ and shall be single-spaced. One ~~(1)~~ American National Standard Code for Information Interchange (ASCII) format file or acceptable word processing program on a 3 1/2 inch disc, one ~~(1)~~ original (camera-ready) and two ~~four--(4)~~ paper copies shall be submitted. (See definition of "Camera-ready Copy" in Section 100.110) ~~the--original--and--all copies--shall--not--be--stapled--together--nor--three--hole--punched;~~

2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document, the agency's name, all in capital letters, shall appear one double-space under the solid line, centered on the page, and the action heading, all in capital letters, shall appear one double-space under the agency name, centered on the page.

3) There shall be a one inch margin from all sides of the page. On y one side of the page shall be used.

4) All documents submitted to the Index Department for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with statement. Non-applicable is not an acceptable answer to any of the questions.

5) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified except in the text of the document.) In addition, the document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register.

6) ~~An--ASCII--format--file--shall--be--submitted--to--the--Index--Department--unless--an--agency--does--not--have--the--equipment--to--produce--an--ASCII format--file--in--that--event--the--Director--of--the--agency submitting--material--for--publication--in--the--Register--shall--not--if the--Index--Department--in--writing--of--the--agency's--inability--to submit--an--ASCII--format--file--~~

b) The headings on the Notice (as required by Sections 100.410, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must also say "Notice of Proposed Rules".) (See Section 100.300 for further information on headings.)

c) The action headings mentioned in subsections (a)(2) and (b) above shall be as follows for rulemaking activities:

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1) If the rules comprise a new Part, the term "Rules" shall be used;  
2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;

3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.

d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100.Appendix A, Illustrations A, C, D, and E; 100.Appendix B, Illustrations A, E, F, G, H, and I; 100.Appendix C, Illustrations A and D; 100.Appendix D, Illustrations A and D; and 100.Appendix E, Illustrations A, B, D, E and F.

e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and peremptory new rules, amendments, repealers and expedited corrections) is published in the Illinois Register.

f) The Index Department shall perform the following duties:

1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the Index Department will sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)

2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Index Department.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.240 Notices of Corrections

a) At the agency's request, the Index Department will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the commencement of the first notice period to the date the correction is published unless an inadvertent error was made by the Code Division or JCAR in the production of the camera-ready Illinois Register. (See 100.Appendix A, Illustration D and 100.Appendix E, Illustration H)



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- b) The Index Department shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Index Department except codification changes (Section 100.150) and expedited corrections (Section 100.560).
- c) An agency may correct information contained on the introductory notice pages of a proposed rulemaking published in the Illinois Register by submitting one (1) ASCII format file or an acceptable word processing program on a 3 1/2 inch disc, one (1) original and four (4) paper copies of a Notice of Corrections to Notice Only for publication in the Register. (See 100.Appendix E, Illustration B) This Notice shall only be used when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100.Appendix A, Illustration D)
- d) Errors which are discovered in the file copy text following publication of the issue of the Register in which the notice of adopted rulemaking appeared shall be corrected by the agency through the general rulemaking process or by the expedited correction process (see Section 100.250).
- e) A Certificate and Notice of Expedited Correction shall be filed with the Index Department during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: RULE DRAFTING REQUIREMENTS

Section 100.300 Headings

- a) All rules submitted to the Index Department for publication in the Illinois Register must have the Register heading, the agency name and the action heading on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Heading," see Section 100.110.)
- b) Rules submitted to the Index Department for filing as adopted must have the Code heading on each page pursuant to Section 100.500 and 100.Appendix B, Illustration D.
- c) Headings for a Part's table of contents
- 1) Beginning at least 2" from the top of the page (to allow for the Register heading, the agency name and the action heading for Register publication or the Code heading for file copies) and centered on the page shall be the following headings:
    - A) The word CHAPTER and its label followed by a colon and the heading from Section 100.140;
    - B) the word SUBPART and its label followed by a colon and the heading (if applicable);

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- B) The word GENERAL ACT CHAPTER and its label followed by a colon and the General Act number from ILCS and the heading of the word SUBCHAPTER and its label followed by a colon and the heading (if applicable);
- 2) Each of the applicable headings listed above shall be all in capital letters (except where Arabic numbers or small letters are used for the Code divisions) and shall appear, in order, on successive single-spaced lines. These headings as well as the Part number and its heading shall appear on the first page only of both publication and file copies.
  - 3) One double-space below the General Act Chapter, its label and heading (or, if applicable, the Subchapter, its label and heading) shall appear the word PART (all in capital letters) and its appropriate number, centered on the page.
  - 4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the Section heading number and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the Section number and heading of the first Section being published shall appear one double-space below the main source note. For rules filed with the Index Department as adopted, the first Section shall appear on the next page following the main source note and each subsequent Section shall begin on a new page.
- b) Subsections shall be identified as indicated in the following format. The proper indentation of each level of subsection, both for the labels and for the text, is also indicated. The setting of margins for this and subsequent levels are indicated in the Style Manual issued by the Secretary of State.
- i) First level of subsection: Use a) b) c) etc. locate the label one and one-half (1 1/2) inches from left edge of page (indent 5 spaces from the margin) and locate the text two (2) inches from the left edge of the page;
  - 2) Second level of subsection: Use 1) 2) 3) etc. locate the label two (2) inches from left edge of page (indent 10 spaces from the margin) and locate the text two and one-half (2 1/2) inches from the left edge of the page;
  - 3) Third level of subsection: Use A) B) C) etc. locate the label two and one-half (2 1/2) inches from left edge of page (indent 15 spaces from the margin) and locate the text three (3) inches from

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the-left-edge-of-the-page-

- 4) Fourth--level--of-subsection;--Use-17,17,ii,iii,etc.;Locate-the-label-three-(3)-inches-from-left-edge-of-page-(indent--20--spaces from--the-margin)--and-locate-the-text-three-and-one-half-(3-1/2) inches-from-the-left-edge-of-the-page.
- c) A single paragraph within a Section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed, but-unlabeled paragraphs-at-the-same-indent-level-as-the-opening-paragraph-following such-labeled-subsections-or-indented-items-or-following-labeled-subsections-at-any-level-are-not-allowed.
- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate Sections.
- e) Sections which consist of definitions of various terms in alphabetical order shall not include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two {2} inches from the left hand edge of the page.) There shall be only one definitions Section per Part except that each Subpart may also have a definitions Section. This Section should be the first Section within the specified codification division. Definitions may appear in the text of other Sections if necessary to explain that particular Section or subsequent Sections in that part or Subpart. Other lists within Sections (for example, a list of recommended library books) may also be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.
- f) When dividing a Section into subsections, do not use an a) without a b), a l) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "A" shall appear.
- g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses. Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.
- i) Since the codification system shall be compatible with electronic data processing equipment and programs maintained by and for the General Assembly (Section 5-80 of the Act), the Section symbol, subscript or superscript letters, the division symbol, the delta symbol, the square root symbol, and other similar signs and symbols, are not allowed within the text of an agency's rules. If an agency determines that a formula containing such symbols is necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Index Department to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule,

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Ill--Reg- Illinois-Register  
Ill--Rev--Stat- Illinois-Revised-Statutes  
in- inch  
IRS Internal-Revenue-Service  
k- kilogram  
km- kilometer  
l- liter  
lb- pound  
bn- bane  
mg- milligram  
mi- millimeter  
mm- millimeter  
mph miles-per-hour  
Mt- Mount  
N- North  
n/a not-applicable  
oz- ounce  
p- page-(Register--citations--to--volumes  
i-4-only)  
para--para- paragraphs----(statutory  
citations-only)  
post-meridiem7-afternoon  
qt- quart  
Rd- Road  
S- South  
sq- square  
St- Saint--Street  
U-S- United-States  
U-S-C- United-States-Code  
W- West  
yd- yard

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.370 Citation of Codified Rules

- a) Each Part adopted in compliance with the codification system has a unique Code citation (that is, no two Parts can be cited exactly the same way). Within the text of a Part: if another unit of that Part is cited, the unit is specified followed by the appropriate label; if a unit of a different Part is cited, the entire Code citation must be used. The correct citations for the various divisions of the Code prior to the 1998 codification are illustrated below:
- 1) When simply referring to a Title of the Code:  
14 Ill. Adm. Code  
(Title 14 of the Code)
- 2) When referring to a Part of the Code:

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- 1 Ill. Adm. Code 100  
(Part 100 of Title 1 of the Code)
- 3) When referring to a Section of a Part of the Code:  
17 Ill. Adm. Code 530.10  
(Section 530.10 of Title 17 of the Code)
- 4) When referring to an entire Subtitle of a Title of the Code:  
2 Ill. Adm. Code: Subtitle C  
(Subtitle C of Title 2 of the Code)
- 5) When referring to an entire Chapter of a Title (which has no Subtitles) of the Code:  
1 Ill. Adm. Code: Chapter I  
(Chapter I of Title 1 of the Code)
- 6) When referring to an entire Chapter of a Title (which has Subtitles) of the Code:  
11 Ill. Adm. Code: Subtitle B, Chapter I  
(Chapter I of Subtitle B of Title 11 of the Code)
- 7) When referring to an entire Subchapter of a Chapter of the Code:  
50 Ill. Adm. Code: Chapter I, Subchapter t  
(Subchapter t of Chapter I of Title 50 of the Code)
- 8) When referring to an entire Subpart of a Part of the Code:  
68 Ill. Adm. Code 220. Subpart A  
(Subpart A of Part 220 of Title 68 of the Code)
- 9) When referring to a Part's supplementary material:  
1 Ill. Adm. Code 100.Appendix A, Illustration A  
(Illustration A of Appendix A of Part 100 of Title 1 of the Code)
- 10) The citations may be used in combination such as:  
11 Ill. Adm. Code: Subtitle B, Chapter I, Subchapter c  
(Subchapter c of Chapter I of Subtitle B of Title 11 of the Code)
- b) The correct citations for the various divisions of the Code after the 1998 codification are illustrated below:
- 1) When referring to a Chapter and General Act of the Code:  
5 ILAC 100  
(Chapter 5, General Act 100 of the ILCS)
- 2) When referring to a Part of the Code:  
5 ILAC 100:1  
(Part 1 of Chapter 5, General Act 100 of the Code)
- 3) When referring to a Section of a Part of the Code:  
5 ILAC 100:1.10  
(Section 1.10 of Chapter 5, General Act 100 of the Code)
- 4) When referring to an entire Subpart of a Part of the Code:  
5 ILAC 100:1.Subpart A  
(Subpart A of Part 1 of Chapter 5, General Act 100 of the Code)
- 5) When referring to a Part's supplementary material:  
5 ILAC 100:1.Appendix A, Illustration A  
(Illustration A of Appendix A of Part 1 of Chapter 5, General Act 100 of the Code)



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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: PROPOSED RULES

## Section 100.410 Notice of Proposed Rules

a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (see Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear (see also Appendix A, Illustration A). The next page shall be the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text appears without underscoring):

- 1) The heading of the Part;
- 2) The Code citation (include only the Chapter title number, the Code abbreviation, the General Act Number followed by a colon and the Part number);
- 3) Section Numbers  
(list in numerical order)  
(include supplementary material)
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) A complete description of the subjects and issues involved;
- 6) Whether the proposed rule will replace an emergency rule currently in effect;
- 7) Whether the proposed rule contains an automatic repeal date;
- 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
- 9) Whether there are any other amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;
- 10) A Statement of Statewide Policy Objectives (See Sections 100.110 and 100.415(b));
- 11) The time, place and manner in which interested persons may present their views concerning the proposed action, and the name, address and phone number of the individual within the agency who may be contacted; ~~---All persons who submit a request to comment within 14 days after this Notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments; and~~

12) Initial Regulatory Flexibility Analysis (see "Regulatory Flexibility Analysis", Section 100.110);

- A) Types of small businesses (see Section 1-75 of the Act), small municipalities (see Section 1-80 of the Act) and not for profit corporations (see Section 1-85 of the Act) affected
- B) Reporting, bookkeeping or other procedures required for compliance
- C) Types of professional skills necessary for compliance.

b) Under the Section Numbers and Proposed Action columns at the beginning of the Notice of Proposed Rules as described shown above in subsection (a)(3) of this Section shall be listed the specific Section Number(s) in numerical order and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register on a quarterly basis. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. ~~All rules in which Sections--and/or supplementary material--which are listed in the section shall be returned to the agency for corrections prior to being published in the Illinois Register.~~

c) Only one Part shall be listed per Notice. All new Sections, amendments to existing Sections, and/or repealers of Sections shall be contained on this Notice. Only one Notice per Part for proposed rules will be accepted by the Index Department for publication in a single issue of the Register, unless the agency is repealing a Part in its entirety and proposing a new Part to replace the repealed Part (same subject matter). In this instance only, the Index Department will accept two Notices of proposed rulemaking for one Part number, one for the proposed repealer and one for the proposed new Part, for publication in the same issue of the Register.

d) If an agency is proposing, amending, or repealing more than one Section, and the agency wishes to have any of the Sections considered as separate rulemakings, the agency shall specify the statutory authority for each separate rulemaking. The agency shall follow the procedure in Section 100.410(a)(1) through 100.410(a)(12) and, if necessary, specify different people to be contacted for each separate rulemaking. This procedure permits an agency to take those portions of the rulemaking into second notice separately or adopt those portions of the Part at different times.

e) If an agency intends to hold a public hearing on the proposed rules, the information on the hearing may be included in the Time, Place, and Manner item on the Notice (subsection (a)(11) above) or the agency may submit a Notice of Public Hearing on Proposed Rules as shown in Appendix A, Illustration E. Notice for public hearings on proposed rules will be accepted for Register publication unless a notice for

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another type of public hearing is required by State statute to be published in the Register.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.450 Index Department Review of Proposed Rules

a) The Index Department staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary to produce the Register from the Legislative Information System (LIS) database, the Index Department staff will notify the agency. The proposed rules, amendments or repealer will be published in the Register when the material is correct. Agencies shall submit the following: corrected---and re-submitted---to---the---Index-Department:---This-review-includes---but-is-not-limited-to---the-following:

- 1) Register-headings-are-correct;
- 2) Questions---required---pursuant---to---Section---100.410(a)---and 100-Appendix-A-illustration-A-appear-in-the-correct-order---with the-following-questions-checked-for-accuracy:
- A) The-heading-of-the-Part;
- B) The-Code-Citation;
- C) Section-Numbers-and-Proposed-Action;
- 3) Appropriate-source-notes-are-included-where-necessary;
- 1) 4) One text version of the rules in ASCII format or an acceptable word processing program on a 3 1/2 inch disc. The disc shall be labeled with the proper code citation.
- 2) One original and two four-1/4 paper copies of the required Notice Page and rulemaking were-submitted-with-the-original-pages containing-the-required-questions-completed-with-the-original pages-containing text. and The two the-four-1/4 paper copies shall be identically compiled and stapled.
- 3) 5) A cover letter accompanies---the---material---for---Register publication.

b) The Index Department will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a list of comments on the codification of the proposed rules to the agency and to JCAR. This review includes, but is not limited to, the following:

- 1) Headings-in-the-Part's-table-of-contents-match-exactly-the headings-in-the-text;
- 2) Subsections-are-correct;
- 3) Source-notes-are-correct;
- 4) Titles-of-state-Acts-are-correct-and-statutory-citations---and/or references-to-the-Acts-appear-where-necessary;
- 5) Names-of-agencies-are-correct;
- 6) Rules-referenced-properly-and-citations-added-where-necessary;

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- 7) Renumbering-done-correctly-if-applicable;
- 8) Authority-notes-up-to-date-and-in-the-correct-format;
- 9) Typographical-and-other-inadvertent-errors-noted;
- the-Index-Department-shall-again-review-the-rules-for-fitting-publication-and-codification-system-compliance-at-the-end-of-the-second-notice-period-and-upon-the-agency's-submission-of-the-rules-for adoption-and-Register-publication-pursuant-to-Sections-100-545-and 100-550;

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: ADOPTED RULES

Section 100.500 Requirements for Filing

- a) All rules, amendments or repealers shall be typewritten (or produced on word processing or computer equipment) on plain 8 1/2 x 11 inch, three-hole punched loose-leaf white paper (at-least-20-lb-weight), suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100-Appendix B, Illustration D) All copies submitted shall not be stapled together.
- b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Chapter Title number followed by the General Act number, centered on a solid line exactly one inch from the top of the page. On the right hand side of the solid line shall be the appropriate Chapter-number-and Part or Section number. Each Section shall begin on a new page. (if-an-agency's-word-processing equipment-cannot-fit-all-this-on-the-line,-the-word-Chapter-may-be abbreviated-to-Chr-and-the-word-Section-may-be-abbreviated-to-Sec-or the-Section-Symbol-may-be-used.)
- 1) If-the-Part-being-filed-is-contained-in-a-title-which-has-a Subtitle,-the-word-SUBTITLE-and-its-appropriate-label-(capital letter)-shall-be-centered-on-the-page-on-the-next-line immediately-below-the-solid-line.
- 2) If-the-Part-being-filed-is-contained-in-a-Chapter-which-has-a Subchapter,-the-word-SUBCHAPTER-and-its-appropriate-label-(lower case-letter)-shall-be-located-on-the-next-line-immediately-under the-solid-line-on-the-right-hand-side-of-the-page.-For-codified rules-being-filed,-each-Section-must-begin-on-a-new-page.
- c) The name of the agency shall appear two spaces below the heading only on the first of the file pages.
- d) The Chapter Title and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code heading. (See subsection (b) above)

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e) ~~d~~ When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in subsections (b) and (c) above, as well as the following information:

- 1) For Sections which have been repealed and no text remains:
  - A) The Section number, the heading and the word "(Repealed)";
  - B) A Section source note containing the Register citation for the repeal.
- 2) For Sections which have been renumbered or recodified and no text remains:
  - A) The Section number, the heading and the word "(Renumbered)" or "(Recodified)";
  - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the Register citation for the action.
- 3) For Parts which have been repealed:
  - A) The ~~Title--the-Subtitle--(if-applicable)--the Chapter~~ and the General Act ~~Subchapter--(if-applicable)~~ along with their respective headings;
  - B) The Part number and its heading with the word "(REPEALED)";
  - C) A source note containing the Register citation for the repeal.
- 4) For Parts which have been recodified and no text remains:
  - A) The ~~Title--the-Subtitle--(if-applicable)--the Chapter~~ and the General Act ~~Subchapter--(if-applicable)~~ along with their respective headings;
  - B) The Part number and its heading with the word "(RECODIFIED)";
  - C) A source note containing the Register citation for the recodification action.
- e) Adopted rules filed with the Index Department shall not contain either strike-outs or underscoring.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.530 Notice of Adopted Rules

- a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections ~~a~~(1) through ~~(15)(f)~~ below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part

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with no other rulemaking action occurring at the same time), the text as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring:

- 1) The heading of the Part;
- 2) The Code citation (include only the Chapter ~~Title~~ number, the Code abbreviation, General Act number followed by a colon and the Part number);
- 3) Section numbers (list in numerical order) (new Sections, amendments, repeals, renumbering, etc.) (include supplementary material)
- 4) The specific statutory citation upon which the Part is based and authorized;
- 5) The effective date of the adopted action (see See also Section 100.550);
- 6) Whether the rule contains an automatic repeal date (see See Section 100.335);
- 7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section 6.02(b) of the Act;
- 8) ~~Date-filed-in-agency's-principal-office~~;
- 8)9) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);
- 9)10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:
  - A) Date and Register citation to the objection;
  - B) Date and Register citation to the agency's response;
  - C) Date agency submitted the response to JCAR;
- 10)11) A statement of the changes made between the proposed and adopted versions;
- 11)12) Whether all the changes agreed upon by JCAR and the agency have been made as indicated in the ~~agreements~~ agreement--letter issued by JCAR to the agency (see See definition of "agreements," Section 100.110);
- 12)13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally filed but has since expired, the answer to this question is "no";
- 13)14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
- 14)15) Summary and purpose of rulemaking; and
- 15)16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) If numbering changes are made, these changes must be specified on the Notice.



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- c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (see Section (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Index Department staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Illinois Register and prior to its being filed and taking effect.
- d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repealers of Sections must be listed on the one Notice. The Administrative Code Division Index Department will accept only one Notice per Part for adopted rules for publication in a single issue of the Register, unless the agency is repealing the Part in its entirety and adopting a new Part with the same subject matter to replace the repealed Part. In this instance only, the Index Department will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.
- e) If an agency is adopting several Sections which were proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.545 Index Department Review of Adopted Rules

The Index Department staff will review all adopted rules, amendments and repealers for publication, filing, and codification requirements upon the agency's submission of the material to the Index Department following the end of the second notice period. The Register and file versions will be checked for compliance with this Part. Agencies shall submit the following:

- One acceptable word processing version of the Notice of Adopted Rules on a 3 1/2 inch disc.
- One original and two copies of the Register pages correctly collated and stapled with the Notice preceding the text.
- The original and two copies of the file pages that are all three-hole punched, not stapled and printed on one side of the page, with the agency certification preceding the files pages.
- The JCAR Certification of No Objection or, if JCAR has issued an

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- objection, the agency's response to the objection in proper format pursuant to this Part.
- A copy of the JCAR agreements issued on the rulemaking resulting from the meeting between JCAR and the agency.
  - A cover letter describing the material being submitted.
- the Register version will be checked for compliance with this Part including but not limited to the following items:
- Register headings are correct;
  - All the questions required by Section 100-530(f) and 100-Appendix B illustration A appear in the correct order and for the following questions all responses are correct:
- Heading of the Part;
  - Code citation;
  - Section Numbers and Adopted Action;
  - Effective date (No rules filed with the Code Division shall be retroactively effective);
- The text begins on the proper page and is in the proper order;
  - The changes requested by the Index Department during the first notice period have been made;
  - The rules amendments repeaters
- Are labeled correctly;
  - Sections and subsections are indented properly and margin requirements are met;
- Content headings which match exactly in the Part's table of contents and the text;
  - References to State Acts contain the correct title and that statutory citations appear where necessary;
- Agencies and their rules are correctly listed and/or cited;
  - Source and authority notes are correct and updated;
- One acceptable word processing program on a 3 1/2 inch disc original and four (4) paper copies of the entire rulemaking are submitted and correctly compiled and stapled with all pages of the Notice in the right order and with the pages containing the required questions and agency responses preceding the pages of text;
- the Code file version will be checked for compliance with this Part including but not limited to the following items:
- The correct Code headings appear at the top of each page;
  - Each Section begins on a new page;
  - The changes requested by the Index Department during the first notice period have been made;
  - The rules amendments repeaters
- Are labeled correctly;
  - Sections and subsections are indented properly and margin requirements are met;
- Content headings which match exactly in the Part's table of contents and the text;

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- B) References to state Acts contain the correct title and that statutory citations appear where necessary;
- B) Agencies and their rules are correctly listed and/or cited;
- F) Source and authority notes are correct and updated;
- 5) One original and two (2) paper copies are submitted and correctly compiled with the original of the agency certification attached to the original of the text; and the copies of the agency certification are attached to each copy of the text;
- 6) The original and two copies are all three hole-punched, not stapled and printed on one side of the page;
- 7) The original is camera-ready (see definition of "camera-ready," Section 100-1107);
- 8) Separate camera-ready originals of any tables, exhibits, illustrations, etc., which cannot be entered into the computer data base are submitted. These originals shall not be three-hole punched;
- C) The entire rulemaking package will be checked to ensure that the following items are included:
- 1) The JCAR Certification of No Objection is attached or, if JCAR has issued an objection, the agency's response to the objection is in proper format pursuant to this Part;
- 2) A copy of the JCAR agreement letter issued on the rulemaking resulting from the meeting between JCAR and the agency (see definition of "agreements," Section 100-1107);
- 3) The cover letter describing the material being submitted.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: EMERGENCY RULES

## Section 100.610 Notice of Emergency Rules

- a) Each emergency rule submitted for publication in the Illinois Register shall include a Notice of Emergency Rules (Amendments, Repeals) (see 100.Appendix C, Illustration A) at the beginning of which the information listed in subsections (a)(1) through (12) below shall appear. On the next page, the full text of the rules, amendments, or repealer and, if the rulemaking amends or repeals an existing Part, the text shall appear as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring.

- 1) The heading of the Part;
- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers  
(list in numerical order)  
(include supplementary  
material)

Emergency Action

(new Sections, amendments,  
repeals, renumbering, etc.)

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- 4) The specific statutory citation upon which the rule is based and authorized;
- 5) The effective date of the rule (immediately or less than 10 days after filing);
- 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the general rulemaking process), please specify the date;
- 7) Date filed with the Index Department ~~Date filed in agency's principal office;~~
- 8) The reason for the emergency;
- 9) A complete description of the subjects and issues involved;
- 10) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules;
- 11) A Statement of Statewide Policy Objectives, if applicable (see also Sections 100.110 and 100.415(b));
- 12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Index Department staff to accurately compile the Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed in these columns. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Register and prior to its being filed and taking effect.
- c) All emergency action to one Part shall appear on one Notice, unless the Part is being repealed in its entirety and replaced by a new Part (same subject matter) by emergency action. In this instance only, two Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- a) To modify an emergency rule in response to an objection issued by JCAR, the agency must submit to the Index Department one ~~1~~ ASCII format file or an acceptable word processing program on a 3 1/2 inch disc, one ~~1~~ original and two ~~four~~ ~~1~~ paper copies of a Notice of Modification of Emergency Rules (Amendments, Repealer) in Response to a JCAR Objection which indicates the following:
- 1) The heading of the Part;
  - 2) The Code citation;
  - 3) Section numbers;
  - 4) Illinois Register citation to the Notice of Emergency Rules (Amendments, Repealer);
  - 5) Illinois Register citation to the JCAR Statement of Objection;
  - 6) The effective date of the emergency rulemaking;
  - 7) The date the modified rules were filed in the Code Division;
  - 8) The specific modifications being made; and
  - 9) The full text of the Sections being modified showing by strike-outs and underscoring the changes being made.
- b) The format for this Notice is shown in 100.Appendix C, Illustration D.
- c) The agency shall also submit one original and two ~~1~~ copies of the modified Sections for filing including the Part's table of contents and all affected Sections.
- d) A cover letter and agency certification must also accompany the materials listed above.
- e) These modifications do not extend the original 150 day time limit of the emergency rulemaking.
- f) The modified rules (amendments, repealer) must also meet all the codification, filing, and publication requirements as outlined in this Part prior to the Code Division's filing and publishing the Notice of Modification to Emergency Rules (Amendments, Repealer).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: PEREMPTORY RULES

## Section 100.710 Notice of Peremptory Rules

- a) Each peremptory rule submitted for Register publication shall include a Notice of Peremptory Rules (Amendments, Repealers) (see 100.Appendix D, Illustration A) at the beginning of which shall appear the information listed in subsections a(1) through (13) below. On the next page shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file in the Code Division with all changes shown by strike-outs and/or underscoring.
- 1) Heading of the Part;
  - 2) Code Citation (include only the Chapter ~~4~~the number, the Code abbreviation, General Act number followed by a colon and the Part

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- number);
- 3) Section numbers  
(list in numerical order)  
(include supplementary material)
  - 4) Reference to the appropriate State ~~state~~ or federal court order, federal law, or federal rule, or collective bargaining agreement and the agency's reason for peremptory rulemaking;
  - 5) Statutory authority;
  - 6) Effective date;
  - 7) A complete description of the subjects and issues involved;
  - 8) Whether the rule contains an automatic repeal date;
  - 9) Date filed with the Index Department Date filed in agency's principal office;
  - 10) A statement that the rule is filed in compliance with Section 5-50 of the Act;
  - 11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules;
  - 12) A Statement of Statewide Policy Objectives (if applicable) (see ~~also~~ Sections 100.110 and 100.415(b)); and
  - 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed.
- b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repealer) (see See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. ~~if an agency omits from this listing any Sections or supplementary material the text for which is included in the Notice, or lists any Sections or supplementary material the text for which is not included, or the action being taken is listed incorrectly, the materials will be returned to the agency for corrections prior to the Index Department's accepting the material for publication and filing.~~
- c) All peremptory rulemaking action for one Part shall appear on one Notice. The Index Department Administrative Code ~~Division~~ will not accept for Register publication more than one Notice per Part per issue of the Register, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the Index Department will accept two Notices, one for the repealed Part and one for the new Part, for



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publication in the same issue of the Register.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.800 Requirements

- a) Each agency shall adopt rules on the following pursuant to Section 5-15 of the Act:
  - 1) a description of the current organization of the agency including charts of such organization;
  - 2) procedures on public access to subjects, programs, and activities of the agency;
  - 3) the rulemaking procedures of the agency including any flow charts depicting such;
  - 4) a location for public inspection of incorporated reference materials.
- b) Agency organization charts shall neither specify names of individuals nor contain pictures of individuals. Rather, they shall specify only the bureaus, departments, divisions, sections, or units applicable to the agency.
- c) ~~Rules fitted pursuant to Section 5-15 of the Act shall appear in title 2 of the Code and must meet the codification, publication and filing requirements outlined in this Part.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART K: MISCELLANEOUS

## Section 100.1100 Recodification of Rules

When an agency or the Index Department determines that, for public information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- a) an entire Part is being renumbered;
- b) more than 6 Sections of a Part are being renumbered;
- c) one or more Sections are being split into two or more Sections;
- d) two or more Sections are being combined into one Section;
- e) one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
- f) Subparts are being changed;
- g) ~~Agency Chapter numbers and/or headings are being changed;~~
- h) ~~Subchapter labels or headings are being changed;~~
- i) ~~title numbers or headings are being changed;~~
- j) ~~General Act numbers Subtitle labels or headings are being changed.~~

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 100.1110 Notice of Recodification

- a) An agency recodifying its existing rules with no substantive changes is exempt from the notice requirements of Section 5-40 of the IAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (see See 100.Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:
  - 1) The heading of the Part;
  - 2) The Code citation;
  - 3) The date of Index Department review;
  - 4) The current headings and numbers of the rules being recodified;
  - 5) The outline of headings of Sections of the rules as recodified;
  - 6) A conversion table of present and recodified rules.
- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the Index Department for review at least 5 working 30 days prior to the date the agency wishes to adopt the recodified Part.
- c) In the event an agency or agencies are reorganizing or merging, all the Parts that are being recodified may be listed on a single Notice of Recodification.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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This rule was not included on either of the 2 most recent agendas because:  
The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the action heading as shown in this illustration; if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action heading shall state NOTICE OF PROPOSED AMENDMENT(S); If the proposal is a repealer of an entire Part, the action heading shall state NOTICE OF PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 100.APPENDIX A Proposed Rules  
Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation: ----- Ill.-Adm.-Code -----
- 3) Section Numbers: Proposed Action:
- 4) Statutory Authority:
- 5) A Complete Description of the Subjects and Issues Involved:
- 6) Will this proposed rule replace an emergency rule currently in effect?
- 7) Does this rulemaking contain an automatic repeal date? \_\_\_\_Yes \_\_\_\_No  
If "yes," please specify the date: \_\_\_\_\_
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference?
- 9) Are there any other proposed amendments pending on this Part?

- Section Numbers Proposed Action Illinois Register Citation
- 10) Statement of Statewide Policy Objectives:
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected:
- B) Reporting, bookkeeping or other procedures required for compliance:
- C) Types of professional skills necessary for compliance:
- 13) Regulatory Agenda on which this rulemaking was summarized:  
Jan. 19 \_\_\_\_ July 19 \_\_\_\_ OR

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Section 100. ILLUSTRATION B Notice of Withdrawal of Proposed Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF WITHDRAWAL OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill.--Adm.--Code-----
- 3) Section Numbers: Proposed Action:
- 4) Date Notice of Proposed Rules (Amendments, Repealer) Published in the Illinois Register:  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg.  
(issue date)
- 5) Reason for the withdrawal:

NOTE: This Notice of Withdrawal is to be used only when withdrawing rules on which JCAR has not issued an objection. If the proposal was a new Part, the action heading shall be as shown above; if the proposal was amendments to an existing Part, the action heading shall state NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS; if the proposal was a repeal of an entire Part, the action heading shall state NOTICE OF WITHDRAWAL OF PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 100. ILLUSTRATION C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF (MODIFICATION, WITHDRAWAL OR REFUSAL)\*  
TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill.--Adm.--Code-----
- 3) Section Numbers: Action:
- 4) Date Notice of Proposed Rules Published in the Register (if applicable):  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg.  
(issue date)
- 5) Date JCAR Statement of Objection Published in the Register:  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg.  
(issue date)
- 6) Summary of Action Taken by the Agency:

\*Choose the appropriate word(s): Modification, Withdrawal, or Refusal

NOTE: An agency may withdraw a proposed rule without a JCAR objection being issued if the agency has not yet moved the rulemaking to Second Notice. Please refer to Appendix A, Illustration B for the proper format. If an agency plans to take different actions on each objection issued by the Joint Committee, the action heading on the Notice shall specify the specific actions as noted in Section 100.440. The exact wording (that is, RULES, AMENDMENTS, REPEALER) must match the wording on the action heading on the proposal.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



Section 100.ILLUSTRATION D Notice of Corrections to Proposed Rules

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF CORRECTIONS TO PROPOSED RULES

- 1) Heading of the Part for which proposed rulemaking is being corrected:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Illinois Register citation to Notice of Proposed Rules (Amendments, Repealer):  
\_\_\_\_ Ill. Reg. \_\_\_\_; \_\_\_\_\_, 19\_\_\_\_  
(issue date)

- 4) Sections being Corrected:
- 5) Correction(s) being made:

NOTE: If the material being corrected is a new Part, the action heading shall state "RULES." If the material being corrected is an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action heading shall state "AMENDMENTS." Since the publication of this Notice of Corrections nullifies the original first notice period, agencies are urged to withdraw their proposal and submit a new proposal rather than using this form.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 100.ILLUSTRATION E Notice of Public Hearing on Proposed Rules

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Register Citation to Notice of Proposed Rules:  
\_\_\_\_ Ill. Reg. \_\_\_\_; \_\_\_\_\_, 19\_\_\_\_  
(issue date)
- 4) Date, Time and Location of Public Hearing:
- 5) Other Pertinent Information:

NOTE: If an agency wishes to cancel a public hearing on proposed rules, it may do so by using this form. However, the action heading (NOTICE OF PUBLIC HEARING ON PROPOSED RULES) remains the same. Only one part shall be listed per Notice. If the public hearing is on proposed amendments to an existing Part, the action heading shall state NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS; if the public hearing is on a proposed repealer of an existing Part (being repealed in its entirety), the action heading shall state NOTICE OF PUBLIC HEARING ON PROPOSED REPEALER.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 100. APPENDIX B Adopted Rules

## Section 100. ILLUSTRATION A Notice of Adopted Rules

For detailed information on this Notice, please refer to Section 100.530.

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(AGENCY NAME)

## NOTICE OF ADOPTED RULES

## 1) Heading of the Part:

2) Code Citation: -----Ill--Adm--Code-----

3) Section Numbers: Adopted Action:

## 4) Statutory Authority:

5) Effective Date of Rule(s) (Amendments, Repealer):

6) Does this rulemaking contain an automatic repeal date? Yes No

If so, please specify date: \_\_\_\_\_

7) Does this rule (amendment, repealer) contain incorporations by reference?  
If yes, was a copy of the approval form issued by JCAR attached to this rulemaking?

8) Date Filed in Agency's Principal Office:

8) Notice(s) of Proposal Published in Illinois Register

\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

9) Has JCAR issued a Statement of Objections to this (these) rule(s)? If answer is "yes," please complete the following:

A) Statement of Objection: \_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)B) Agency Response: \_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

C) Date Agency Response Submitted for Approval to JCAR:

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10) Difference(s) between proposal and final version:

11) Have all the changes agreed upon by the agency and JCAR been made as indicated in the ~~agreements~~ ~~agreement-letter~~ issued by JCAR?

12) Will this rule (amendments, repealer) replace an emergency rule (amendment, repealer) currently in effect?

13) Are there any amendments pending on this Part?

Section Numbers Proposed Action Illinois Register Citation

14) Summary and Purpose of Rule(s) (Amendments, Repealer):

15) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name:

Address:

Telephone:

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

NOTE: For the proper action headings, please refer to the note in Appendix A, Illustration A, substituting the word "ADOPTED" for "PROPOSED."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 100. ILLUSTRATION D Format for Filing Adopted Codified Rules

5 Illinois Administrative Code 100 Section 1.10  
B-----ADMINISTRATIVE-----CODE-----CH:-----I,---SEC-400.00---SUBTITLE  
B-----SUBCHAPTER-b

(AGENCY NAME)

NOTE: All adopted codified rules submitted for filing must have the Code headings on each page. Only those titles with subtitles will contain the word SUBTITLE and its label under the solid line in the center of the page. Only these chapters with subchapters will list the word SUBCHAPTER and its label under the solid line on the right hand side of the page.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 100. ILLUSTRATION E Notice of Automatic Repeal of Adopted Rules

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF AUTOMATIC REPEAL OF ADOPTED RULES

1) Heading of the Part:

2) Code Citation: -----Ill--Adm--Code-----

3) Section numbers:

4) Statutory Authority:

5) Effective Date of Automatic Repeal:

6) Date Filed in Agency's Principal Office:

67) Notice of Adopted Rules Which Included the Automatic Repeal Date Published in the Illinois Register:

\_\_\_\_\_, 19\_\_\_\_; \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

78) Summary and Purpose of Automatic Repeal of Rules:

The full text of the rulemaking being automatically repealed begins on the next page:

NOTE: In the action heading for this Notice, the words NOTICE OF AUTOMATIC REPEAL OF RULES shall be used if the material is a complete new part and the words NOTICE OF AUTOMATIC REPEAL OF AMENDMENTS shall be used if the material is an amendment to a part (new Sections).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 100. ILLUSTRATION F Notice of Corrections to Adopted Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF CORRECTIONS TO ADOPTED RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section numbers:
- 4) Illinois Register citation to the Notice of Adopted Rulemaking:  
\_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_  
(issue date)
- 5) The corrections listed below have been made to the file copy of the above named rules in order to bring them into agreement with the copy of the text as published in the Illinois Register:

NOTE: If the material being corrected was a new Part, the action heading shall state "RULES." If the material being corrected was an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action heading shall state "AMENDMENTS."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 100. ILLUSTRATION G Request for Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section numbers:
- 4) Date Proposal published in Illinois Register:  
\_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_  
(issue date)
- 5) Date Adoption published in Illinois Register:  
\_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_  
(issue date)
- 6) Summary and Purpose of Expedited Correction:
- 7) Information and questions regarding this request shall be directed to:

Name:  
Address:  
Telephone:

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

Section 100. ILLUSTRATION I Notice of Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: \_\_\_\_\_
- 2) Code Citation: -----Ill.--Adm.--Code-----  
\_\_\_\_\_
- 3) Section numbers: \_\_\_\_\_
- 4) Date Proposal published in Illinois Register: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
- 5) Date Adoption published in Illinois Register: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
- 6) Date Request for Expedited Correction published in Illinois Register: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
- 7) Adoption Effective Date: \_\_\_\_\_
- 8) Correction Effective Date: \_\_\_\_\_
- 9) Reason for Approval of Expedited Correction: \_\_\_\_\_

Agency Director Date

The full text of the Corrected Rules begins on the following page.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

Section 100. ILLUSTRATION H Refusal to Certify Expedited Correction

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

REFUSAL TO CERTIFY EXPEDITED CORRECTION

- 1) Heading of the Part: \_\_\_\_\_
- 2) Code Citation: -----Ill.--Adm.--Code-----  
\_\_\_\_\_
- 3) Section numbers: \_\_\_\_\_
- 4) Date Proposal published in Illinois Register: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
- 5) Date Adoption published in Illinois Register: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
- 6) Date Request for Expedited Correction to Adopted Rules published in Illinois Register: \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)
- 7) Reason for Refusal: \_\_\_\_\_  
(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

## Section 100.APPENDIX C Emergency Rules

## Section 100.ILLUSTRATION A Notice of Emergency Rules

## ILLINOIS REGISTER

(AGENCY NAME)

## NOTICE OF EMERGENCY RULES

- 1) The Heading of the Part:
- 2) Code Citation: -----~~Ill.~~--~~Adm.~~--~~Code~~-----
- 3) Section Numbers:                      Emergency Action:
- 4) Statutory Authority:
- 5) Effective Date of Rule(s) (Amendments, Repealer):
- 6) If this emergency rule (amendment, repealer) is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 7) Date Filed with the Index Department: Date Filed in Agency's Principal Office:
- 8) Reason for Emergency:
- 9) A Complete Description of the Subjects and Issues Involved:
- 10) Are there any proposed amendments to this Part pending?  

Section Numbers      Proposed Action      Illinois Register Citation
- 11) Statement of Statewide Policy Objectives:
- 12) Information and questions regarding this rule (amendment, repealer) shall be directed to:

Name:  
Address:  
Telephone:

The full text of the emergency rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action heading, please refer to the note in

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

Appendix A, Illustration A, substituting the word "EMERGENCY" for the word "PROPOSED."

(Source: Amended      at      22      Ill.      Reg.      \_\_\_\_\_, effective \_\_\_\_\_)



SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

Section 100.APPENDIX D Peremptory Rules  
Section 100.ILLUSTRATION A Notice of Peremptory Rules

For detailed information on this Notice, please refer to Section 100.710.

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF PEREMPTORY RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section Numbers: Peremptory Action:
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking:
- 5) Statutory Authority:
- 6) Effective Date:
- 7) A Complete Description of the Subjects and Issues Involved:
- 8) Does this rulemaking contain an automatic repeal date? Yes No

If "yes," please specify date: \_\_\_\_\_

- 9) Date Filed in with the Index Department Agency's-Principal-Office:
- 10) This rule is in compliance with Section 5-50 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part?  
Section Numbers Proposed Action Illinois Register Citation
- 12) Statement of Statewide Policy Objectives:
- 13) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to:

Name:  
Address:  
Telephone:

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

Section 100.ILLUSTRATION D Notice of Modification to Emergency Rules

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF MODIFICATION TO EMERGENCY RULES IN RESPONSE TO AN OBJECTION  
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section numbers:
- 4) Notice of Emergency Rules (Amendments, Repealer) published in the Illinois Register:  
\_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)
- 5) JCAR Statement of Objection to Emergency Rules (Amendments, Repealer) published in the Illinois Register:  
\_\_\_\_\_, Ill. Reg. \_\_\_\_\_  
(issue date)
- 6) Date agency submitted this modification to JCAR for approval:
- 7) Summary of Action Taken by the Agency:

The full text of the Section(s) of the emergency rules (amendments, repealer) being modified begins on the next page:

AGENCY NOTE: If the emergency was a new Part, the action heading shall state "RULES." If the emergency was an amendment (new Sections, amended Sections, repealed Sections) to an existing Part, the action heading shall state "AMENDMENTS."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

The full text of the Peremptory rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action heading, please refer to the note in Appendix A, Illustration A, substituting the word "PEREMPTORY" for the word "PROPOSED."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section 100.ILLUSTRATION D Notice of Automatic Repeal of Peremptory Rules

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY RULES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Section Numbers:
- 4) The Specific State or Federal Court Order, Federal Rule or Statute Which Required this Automatic Repeal of Rules:
- 5) Effective Date of Automatic Repeal:
- 6) ~~Date-Filed-in-Agency's-Principal-Office:~~
- 5)7) Notice of Peremptory Rulemaking Which Included the Automatic Repeal Date Published in the Illinois Register:

\_\_\_\_\_, 19\_\_\_\_; \_\_\_\_ Ill. Reg. \_\_\_\_\_

7)8) Summary and Purpose of Automatic Repeal of Peremptory Rules:

The full text of the peremptory rules (amendments, repealer) being automatically repealed begins on the next page:

NOTE: In the action heading for this Notice, the words NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY RULES shall be used if the material is a complete new Part and the words NOTICE OF AUTOMATIC REPEAL OF PEREMPTORY AMENDMENTS shall be used if the material is an amendment to a Part (new Sections).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

Section 100.ILLUSTRATION B Notice of Corrections to Notice Only

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation: -----III--Adm--Code-----
- 3) The Notice of Proposed (Adopted, Emergency, Peremptory) Rules (Amendments, Repealer) being corrected appeared at \_\_\_\_ Ill. Reg. \_\_\_\_\_, dated \_\_\_\_\_, 19\_\_\_\_.
- 4) The information being corrected is as follows:  
(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE  
NOTICE OF PROPOSED AMENDMENT

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION A Notice of Recodification

ILLINOIS REGISTER  
(AGENCY NAME)

NOTICE OF RECODIFICATION

- 1) Heading of the Part:
- 2) Code Citation: -----III--Adm--Code-----
- 3) Date of Index Department Review:
- 4) Headings and Section Numbers of the Part Being Recodified:  
Section Numbers Headings
- 5) Outline of the Section Numbers and Headings of the Part as Recodified:  
Section Numbers Headings
- 6) Conversion Table of Present and Recodified Parts:  
Present Part Recodified Part  
(Section Numbers) (Section Numbers)  
(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

## Section 100. ILLUSTRATION C Agency Certification

Certificate of (Adopted, Amended, Repealed, or Recodified) Part

The

(name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy of:

Heading of Part:

Code Citation:

Sections Involved:

which was duly (adopted, amended, repealed, recodified) by this agency, on the  
day of -----, 19-----.

Statutory Authority:

Illinois Revised Statutes

Chapter

Paragraph

Signature of Officer

Title of Officer

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)

## SECRETARY OF STATE

## NOTICE OF PROPOSED AMENDMENT

## Section 100. ILLUSTRATION D Notice of Codification Changes

## ILLINOIS REGISTER

## NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part:
- 2) Code Citation: -----Ill--Adm--Code-----
- 3) Effective Date of Rules (Amendments, Repealer):
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register:
- 5) Pursuant to Section 5-80 of the Illinois Administrative Procedure Act, [5 ILCS 100/5-80], [Ill--Rev--Stat--1985--ch--127--par--1987(b)] and the Index Department has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the Index Department, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section 100. ILLUSTRATION E Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules

ILLINOIS REGISTER

JOINT COMMITTEE ON ADMINISTRATIVE RULES

STATEMENT OF OBJECTIONS

NAME OF AGENCY UPON WHOSE RULES THE OBJECTIONS ARE BEING ISSUED

Part Heading:

Code Citation: -----Ill--Adm--Code-----

Section Numbers:

Proposed Action:

Date proposed rules (amendments, repealer) published in the Illinois Register:

\_\_\_\_\_, \_\_\_\_ Ill. Reg. \_\_\_\_\_  
(issue date)

Specific Objections:

NOTE: When objections are issued on emergency rules, the action heading shall state: STATEMENT OF OBJECTIONS TO EMERGENCY RULES (AMENDMENTS, REPEALER). When objections are issued on peremptory rules, the action heading shall state: STATEMENT OF OBJECTION TO PEREMPTORY RULES (AMENDMENTS, REPEALER). When objections are issued on existing rules, the action heading shall state: STATEMENT OF OBJECTIONS TO EXISTING RULES. When recommendations, rather than objections, are being issued, the word OBJECTION in the action heading shall be changed to RECOMMENDATION.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Section 100. ILLUSTRATION H Notice of Publication Error

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PUBLICATION ERROR

- 1) Heading of the Part:
- 2) Code Citation:
- 3) Register citation of Proposed and/or Adopted rulemaking, and other pertinent action:
- 4) Explanation:  
(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Department of Children and Family Services Employee Conflict of Interest

2) Code Citation: 89 Ill. Adm. Code 437

3) Section Numbers: Adopted Action:

437.1 Repealed  
437.2 Repealed  
437.3 Repealed  
437.4 Repealed  
437.5 Repealed  
437.6 Repealed  
437.7 Repealed  
437.8 Repealed  
437.9 Repealed  
437.10 Added  
437.20 Added  
437.30 Added  
437.40 Added  
437.50 Added  
437.60 Added  
437.70 Added  
437.80 Added  
437.90 Added

4) Statutory Authority: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].

5) Effective Date of Amendments: March 16, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 16, 1998

9) Notice(s) of Proposal Published in Illinois Register: July 11, 1997 - 21 Ill. Reg. 8709

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference between proposal and final version:

(a) Some minor editorial changes were made at the request of JCAR.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

(b) Section 437.40(d) was amended by adding: "Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the office of internal audits when the aggregate amount exceeds \$200 within a calendar year for service on a single board of directors or professional advisory committee."

(c) Section 437.40(i) was amended to limit the value of token(s) accepted from a single source to \$50 per calendar and to exclude any certificate or award publicly presented in recognition of public service from the restriction.

(d) Section 437.40(o) was amended by adding: "For purposes of this subsection only, the term "employee" or "state employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents."

(e) In Section 437.40(r), the first sentence was changed to: "An employee who accepts secondary employment that might adversely affect or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency amendments currently in effect?  
No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These rules describe and prohibit behavior which constitutes conflicts of interest between the personal interest of full-time and part-time staff of the Department of Children and Family Services and the discharge of their official duties in relation to Department clients and service providers. This Part is also applicable to individuals who receive remuneration directly from the Department pursuant to a contract for personal services.

12) Information and questions regarding these amendments shall be directed to:

Jerry B. Crabtree  
Office of Rules and Procedures  
Department of Children and Family Services  
406 East Monroe, Station #65



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62701-1498  
(217) 524-1983  
TTY: (217) 524-3715  
E-mail: ORPINFO@pop.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437

DEPARTMENT-OF-CHILDREN-AND-FAMILY-SERVICES  
EMPLOYEE CONFLICT OF INTEREST

Section	
437.1	Purpose (Repealed)
437.2	Definitions (Repealed)
437.3	Department Statutory Responsibilities (Repealed)
437.4	Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
437.5	Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
437.6	Prohibitions Under the Illinois Purchasing Act (Repealed)
437.7	Requirements of the Governmental Ethics Act (Repealed)
437.8	Prohibition of Employee Conflicts in the Care of Children (Repealed)
437.9	Violations of Part 437 (Repealed)
437.10	Purpose
437.20	Definitions
437.30	Department Statutory Responsibilities
437.40	Prohibition of Employee Interests and Conduct Creating Impropriety of the Appearance of Impropriety
437.50	Prohibitions Under the Illinois Purchasing Act
437.60	Requirements of the Governmental Ethics Act
437.70	Prohibition of Employee Conflicts in the Care of Children
437.80	Requirements of Executive Order #3 (1977)
437.90	Violations of Part 437

AUTHORITY: Implementing and authorized by Sections 5 and 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/5 and 11.1 through 12]; Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/4A]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]; and Section 4 of the Children and Family Services Act [20 ILCS 505/4].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; modified in response to JCAR Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective MAR 16 1998.

Section 437.1 Purpose (Repealed)

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Although the Illinois Purchasing Act forbids State employees from acting as paid consultants to other state agencies or to private agencies receiving state funds, and from holding any contract for services, it does not prohibit other apparent conflicts of interest such as an employee sitting on the board of an agency not receiving state funds, but subject to Department licensing. The purpose of these rules is to eliminate all employee impropriety and the appearance of any impropriety.

(Source: Repealed at 22 Ill. Reg. 5484, effective MAR 16 1998)

## Section 437.2 Definitions (Repealed)

"Consultant" as used in these rules means an affiliation or a direct relationship to a facility or agency with which the Department contracts or which is licensed by the Department. The term does not include Department licensing staff who assist child care facilities in meeting requirements for licensure.

"Economic interest" as used in these rules means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, junior college or university.

"Employee" or "state employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed.

(Source: Repealed at 22 Ill. Reg. 5484, effective MAR 16 1998)

## Section 437.3 Department Statutory Responsibilities (Repealed)

The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act (Ill. Rev. Stat. 1977-ch-37-par-701-1 et seq.) minors placed with the Department through voluntary placement agreements with parents, guardians or custodians, minors placed with the Department through adoptive surrenders, the licensing of child care facilities under the Child Care Act of 1969 (Ill. Rev. Stat. 1977-ch-23-par-2211-1 et seq.), and the operation of institutions and programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.

(Source: Repealed at 22 Ill. Reg. 5484, effective MAR 16 1998)

## Section 437.4 Prohibition of Employee Interests Which May Influence the

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Department's Statutory Duties (Repealed)

a) No employee of the Department may knowingly have any connection whatsoever with any regulated or provider facility or agency which may be considered a conflict of interest or could influence the Department in the execution of its statutory duties. Therefore:

1) No employee of the Department shall serve in any capacity with or be employed on a full-time or part-time basis by any facility or agency with which the Department has a contract or which the Department licenses. Foster family and day care home licenses are exempted from this restriction.

2) No employee shall act as a consultant, paid or unpaid, to any facility or agency if such consultation enables the facility or agency to meet Department licensing requirements or to secure Department approval for program or staffing.

b) If a Department employee has a connection with a regulated or provider facility or agency which may be considered a conflict of interest in accordance with subsection (a) above, or could influence the Department in its execution of its statutory duties, the administrator of the unit shall refer the situation to the Department office of internal audits for a review and opinion.

(Source: Repealed at 22 Ill. Reg. 5484, effective MAR 16 1998)

## Section 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)

Inasmuch as the Department has an extensive grant and purchase of service program:

a) Any Department employee who serves on the Board of Directors or Professional Advisory Committee in either a paid or unpaid capacity of any agency or facility which receives funds from the Department by any means or mechanism, including grants, purchase of service or contracts, shall notify the Director of the Department or designer. Such notification will result in the employee's not being involved in placing with, monitoring, licensing or evaluation of the agency or facility.

b) No employee shall knowingly have an economic interest of any character, nature or amount in any agency or facility which receives Department funds, whether by grant, purchase of service, contract or any other mechanism in violation of the Illinois Purchasing Act. Any employee presently holding such economic interest in such agencies or facilities shall divest themselves of their interest within a reasonable time not to exceed six months after being notified that the conflict exists.

c) No employee or the employee's spouse or minor child may knowingly own stock, bonds, debentures, shares or any other species of ownership or

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

debt--interest--in--any--facility--or--agency--which--receives--Department funds, whether by grant--purchase--of--service--contracts--or--other funding mechanism in violation of the Illinois Purchasing Act:

d) When--any--employee's--spouse--or--minor--child--occupies--a--position--with--a facility--or--agency--which--serves--children--placed--by--the--Department--and the--employee--is--involved--in--placing--with--monitoring--licensing--or evaluation--of--the--agency--or--facility, the employee shall notify the Director--of--the--Department--or--designee. Such notification shall result--in--the--employees--not--being--involved--in--placing--with monitoring, licensing--or--evaluation--of--the--agency--or--facility.

(Source: Repealed at 22 Ill. Reg. 5434, effective MAR 16 1998)

## Section 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)

The Illinois Purchasing Act provides that no state--employee--may--have--any contract--for--services, materials--or--supplies--with--any--entity--which--may--be satisfied in whole or in part by the expenditure of state funds. Specifically excluded from the language of the Purchasing Act are employees acting as foster parents--of--children--for--whom--the--Department--is--legally--responsible. The Governor may grant exemptions for employees whose service to the state is deemed sufficiently important to outweigh the public policy expressed in the law. Any Department employee hoping to work for any agency or facility which receives state funds must apply for and receive an exemption from the Purchasing Act prior to accepting such employment. The Purchasing Act does not apply to contracts between an employee and any state--aided--school--district, Junior College District, state university or any institution under the Board of State Colleges and Universities or under the Board of Regents.

(Source: Repealed at 22 Ill. Reg. 5434, effective MAR 16 1998)

## Section 437.7 Requirements of the Governmental Ethics Act (Repealed)

- a) Department employees are required by the Illinois Governmental Ethics Act--(5-1585-420)--to file a yearly statement disclosing their economic interests when employees:
- 1) are or function as the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;
  - 2) have direct supervisory authority over or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;
  - 3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 4) have authority for the approval of professional licenses;
- 5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;
- 6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State, or have supervisory responsibility for 20 or more employees of the State (Section 4A-101 of the Act);
- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15.00 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100.00 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15.00 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment;
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Repealed at 22 Ill. Reg. 5434, effective MAR 16 1998)

## Section 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)

No employee of the Department may take a child or in any way be involved in arranging or facilitating the transportation of a child for whom the Department is providing services to the employee's residence unless:

- a) the employee is a licensed foster parent and the child has been placed with the employee for foster care purposes; placement of a child with a Department employee must be approved by the deputy director responsible for the region/site; or
- b) a child aged 16 or over has been placed in an independent living arrangement and the child is residing in an apartment or other separate unit of the building where the employee resides; or
- c) the child is attending a party, family gathering or other function and the child's attendance is approved in writing by the employee's supervisor; or
- d) the child is staying overnight because of inclement weather or other emergency. Overnight visits must be approved by the deputy director responsible for the region/site.

(Source: Repealed at 22 Ill. Reg. 5434, effective MAR 16 1998)



DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Conflict of interest" means an employee uses his or her official position for private gain (other than salary), gives preferential treatment to any entity or person in the conduct of official duties because of personal interest, impedes or adversely affects governmental efficiency or economy because of personal interest, fails to act impartially in the conduct of official duties because of personal interest, or engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.

"Decision-making function" or "decision-making authority" means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "State employee" means an individual who on a full-time or part-time basis receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

"Immediate family member" means any of the following relationships by blood, marriage or adoption: wife, husband, son, daughter, mother, father, sister, brother, or a legal dependent as claimed on the most recent federal income tax return.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, or preferential treatment for oneself or another depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage or adoption, or that one has or has had a social, business or other relationship

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Section 437.9 Violations of Part 437 (Repealed)

- a) Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties, suspension or discharge from Department employment.
- b) The Department may require any employee in violation of the foregoing to document all of his or her actions undertaken in order to comply with all of the provisions of this Part.
- c) The severity of discipline imposed in accordance with the Illinois Department of Personnel's rules will be based, in part, upon whether the employee:
  - 1) Used the Department of Children and Family Services position for private gain (other than salary);
  - 2) Gave preferential treatment to any organization or person;
  - 3) Impeded or adversely affected governmental efficiency or economy;
  - 4) Failed to act independently or impartially;
  - 5) Affected adversely the confidence of the public in the integrity of the Department of Children and Family Services.

(Source: Repealed at 22 Ill. Reg. 5434 effective 10/2/05)

Section 437.10 Purpose

The purpose of this Part is to define and prohibit all employee impropriety and the appearance of any impropriety. This Part applies to employee conduct in relationship to any entity which is licensed or regulated by the Department of Children and Family Services or which provides services for the Department pursuant to a grant, contract, or purchase of service agreement from or with the Department and families with whom the Department has adoption assistance agreements.

(Source: Added 22 Ill. Reg. 5484, effective 10/2/05)

Section 437.20 Definitions

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, or youth emergency shelter. The term "foster family home" includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption. The term "foster family home" is further defined in Section 2.17 of the Child Care Act of 1969.

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that has the potential to influence or affect one's objectivity.

"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

"State agencies," as defined by the Illinois State Auditing Act [30 ILCS 5], means all officers, boards, commissions, and agencies created by the Constitution, whether in the executive, legislative or judicial branch, but other than the circuit court; all officers, departments, boards, commissions, agencies, institutions, authorities, universities, bodies politic and corporate of the State and administrative units or corporate outgrowths of State government which are created by or pursuant to statute, other than units of local government and their officers, school districts and boards of election commissioners; all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor.

(Source: Added at 22 Ill. Reg. effective

MAR 16 1996 5484

## Section 437.30 Department Statutory Responsibilities

The Department of Children and Family Services has statutory responsibilities regarding minors adjudicated under the Juvenile Court Act of 1987 [705 ILCS 405]; minors placed with the Department through voluntary placement agreements with parents, guardians or custodians; minors placed with the Department through adoptive surrenders, or otherwise provided services in accordance with the Children and Family Services Act [20 ILCS 505]; the licensing of child care facilities under the Child Care Act of 1969 [225 ILCS 10]; and the operation of programs. These statutory duties include securing appropriate care for minors through foster care or purchase of service agreements with public or private agencies.

(Source: Added at 22 Ill. Reg. effective

MAR 16 1996 5484

## Section 437.40 Prohibition of Employee Interests and Conduct Creating Impropriety or the Appearance of Impropriety

- a) No employee shall use his or her official position for private gain (other than salary), give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.
- b) No employee shall serve in any capacity with, or be employed on a

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full-time or part-time basis by, any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department, to the extent that such service or employment creates a conflict of interest, as defined in Section 437.20. Foster family home and day care home licensees are exempt from this restriction.

- c) No employee shall act as a consultant, paid or unpaid, to any entity if such consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing to the extent that such consultation creates a conflict of interest as defined in Section 437.20.
- d) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility as defined in Section 437.20 or any entity that has a grant, contract or purchase of service agreement with the Department shall immediately notify the Director of the Department or designee. Such notification shall result in the employee not being involved in any decision-making function that impacts that child care facility or entity. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the office of internal audits when the aggregate amount exceeds \$200 within a calendar year for service on a single board of directors or professional advisory committee.
- e) An employee shall conduct official business impartially and with the object of fulfilling the statutory responsibilities of the Department. No employee shall use his or her official position to benefit the economic interest, private or personal interest of himself or herself or persons with whom he or she has a personal relationship.
- f) No employee shall solicit or accept any payment, gift, favor, service, loan or entertainment or other consideration for themselves or others under circumstances that might reasonably be construed to influence the performance of his or her official duties.
- g) No employee shall solicit or accept any payment, gift, favor, service, discount, loan, entertainment or other consideration from any entity or child care facility as defined in Section 437.20 or any entity that has a grant, contract, or purchase of service agreement, or adoption assistance agreement with the Department over which the employee has decision-making authority.
- h) No employee may accept an honorarium for speeches, panel participation or written materials when:
- 1) he or she is speaking or writing as a representative of the Department; or
  - 2) the speaking or writing engagement occurs during the employee's



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scheduled work time (unless earned benefit time is used); or  
3) travel and related expenses are paid by the State.

- l) An employee may accept a nominal token of appreciation or courtesy (such as meals, floral arrangements, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the token(s) accepted from a single source shall not exceed \$50 per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service. Any employee receiving such tokens that exceed \$200 in value in the aggregate regardless of source during a single fiscal year shall notify the Department's office of internal audits within 30 days after receiving the token(s) that exceeds the allowable limit. Such notification shall be in writing and identify the items received, the dates the items were received, and the names of the donor organization(s) or individual(s).
- j) Any payment, gift, favor or other consideration not authorized for acceptance by subsection (i) above shall be returned to the donor immediately.

- k) No employee who has a contract for future employment or is negotiating concerning possible future employment with any child care facility, as defined in Section 437.20, or any entity that has a grant, contract or purchase of service agreement with the Department shall be involved in any decision-making function that impacts that facility or entity.

- l) No employee shall be involved in any decision-making function that impacts any child care facility, as defined in Section 437.20, or any entity that has a grant, contract, purchase of service agreement or adoption assistance agreement with the Department in which the employee or any immediate family member of the employee has an economic interest. When an employee or an immediate family member of an employee has an economic interest in such a facility or entity, and the employee is involved in any decision-making function that impacts that child care facility or other entity, the employee shall immediately notify the Director of the Department or designee. Such notification shall result in the employee's not being involved in any decision-making function that impacts that child care facility or other entity, and may result in a determination that an inherent conflict of interest is present that requires that the employee terminate his or her employment.

- m) No employee shall participate in any way in the hiring, supervision, or evaluation of any immediate family member as defined by this Part.

- n) When an employee is the owner, director, officer, or manager of an entity that seeks to become licensed as a child care facility as defined in Section 437.20, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than that in which the individual is employed and by employees who have no significant working relationship or personal relationship with the individual. If such a license is granted, the employee must resign his or her

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employment before commencing any operations as such a child care facility. For the first five years of such operations, the child care facility shall be supervised, monitored, licensed, and evaluated by Department region other than that in which the individual was previously employed and by employees who had no significant working relationship with the individual while employed and always by employees who have no personal relationship with the individual.

- o) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If such license is granted, the employee may continue his or her employment while operating the foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall consult with appropriate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing, or evaluating the employee's foster family home or day care home. For purposes of this subsection only, the term "employee" or "State employee" does not include licensed foster parents with whom the Department contracts to provide support services to other Department supervised foster parents.

- p) An employee who currently holds a license as a child care facility shall comply with the provisions of this Part immediately, except that, if necessary, transfer of the supervision, monitoring, licensing, and evaluation of a foster family home or day care home to an agency other than the Department shall be accomplished by January 15, 1999 or prior to the renewal of the license, whichever occurs first.

- q) An employee called as a witness in a court proceeding or administrative hearing on the basis of his or her official position or knowledge as a Department employee may not accept payment for such an appearance. Any payment or fees received shall be made payable to the Treasurer, State of Illinois, and turned over to the immediate supervisor. An employee called as a witness in a court proceeding or administrative hearing shall notify his or her immediate supervisor. The supervisor shall review the appearance for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether a conflict exists.

- r) An employee who accepts secondary employment that might adversely affect, or give the appearance of affecting, his or her official duties or that might adversely affect public confidence in the integrity of the Department shall notify his or her immediate



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supervisor. The supervisor shall review the employment for possible conflict of interest, and, if necessary, shall seek the assistance of the Department's Office of Internal Audits in making a determination regarding whether a conflict exists. Any such employment must comply with the Illinois Purchasing Act [30 ILCS 505]. (See Section 437.50.)

s) An employee engaged in any secondary employment shall not permit such employment to interfere with his or her official duties and shall not use his or her relationship with the Department to promote his or her secondary employment.

t) When an employee or any person with whom the employee has a personal relationship is the subject of an investigation or review conducted by the Office of Inspector General, Office of Internal Audits, child protection, licensing, or other Department unit, the employee shall not use his or her status as an employee to influence or interfere with the investigation or review. The employee shall not participate in any decision-making regarding the results of the investigation or review, and shall have access to the record(s) of the investigation or review only as authorized by applicable statute or regulation. When the employee normally has authority over the person or persons responsible for the investigation or review, responsibility for the investigation or review and decision-making shall be transferred to a person or entity with no apparent conflict of interest.

(Source: Added (1996) 22 Ill. Reg. 5498, effective

**Section 437.50 Prohibitions Under the Illinois Purchasing Act**

a) Employees who are receiving remuneration for services as State employees of the Department are subject to the prohibitions of the Illinois Purchasing Act [30 ILCS 505]. Very generally, the Illinois Purchasing Act prohibits certain contracts and economic interests of State employees, their spouses, and minor children. It also contains a reporting requirement and an exemption provision. All State employees must comply with the provisions of the Illinois Purchasing Act. State employees should, therefore, consult the Act to make sure that they are in compliance with it. If necessary, employees shall seek the assistance of the Department's Office of Internal Audits in making a determination of whether they are in compliance with the Act.

b) Section 11.1 of the Purchasing Act [30 ILCS 505/11.1] excludes from its restrictions payments made to an employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department. Also excluded are contracts for teaching services at a public or private college, community college or university.

(Source: Added at 1848, 1.6.1996 22 Ill. Reg. 5498, effective

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**Section 437.60 Requirements of the Illinois Governmental Ethics Act**

a) Employees who are receiving remuneration for services as State employees of the Department are required by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420/Art. 4A] to file a yearly statement disclosing their economic interests when they:

- 1) are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;
  - 2) have direct supervisory authority over, or direct responsibility for, the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;
  - 3) have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;
  - 4) have authority for the approval of professional licenses;
  - 5) have responsibility with respect to the financial inspection of regulated nongovernmental entities;
  - 6) adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration or decision of any judicial or administrative proceeding, within the authority of the State; or
  - 7) have supervisory responsibility for 20 or more employees of the State. (Section 4A-101 of the Act)
- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest, but fails to file the Statement by May 1 of each year, will be subject to a \$15 late filing fee. Any employee who fails to file the Statement by May 15 shall be subject to a penalty of \$100 per day from May 16 to the date that the Statement is filed with the Secretary of State. This penalty is in addition to the \$15 late filing fee associated with the May 1 deadline. Failure to file by May 31 of each year shall result in the forfeiture of employment.
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Added at 1848, 1.6.1996 22 Ill. Reg. 5498, effective

**Section 437.70 Prohibition of Employee Conflicts in the Care of Children**

No employee shall take a child for whom the Department is legally responsible to the employee's residence, or in any way be involved in arranging or facilitating the transportation of such a child to the employee's residence, unless:

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- a) the employee is a licensed foster parent or unlicensed relative caregiver and the child has been placed with the employee for foster care or adoption purposes. Placement of a child with an employee must be approved by the administrator responsible for the region; or
- b) the person(s) responsible for the day to day care of the child has consented to the child's visit to the employee's residence or has authorized the employee to transport the child in-state and, for purposes of transportation, the employee has a valid driver's license, insurance as required by law, and uses appropriate child safety restraint devices; or
- c) a child age 16 or over has been placed in an independent living arrangement, supervised by a different employee or another agency, and the child is residing in an apartment or other separate unit of the building where the employee resides; or
- d) the administrator responsible for the region has approved the child staying overnight at the employee's residence because of inclement weather or other emergency. Verbal approval by the administrator must be confirmed in writing the next business day.

(Source: Added at 22 Ill. Reg. 5434, effective MAR 16 1998)

## Section 437.80 Requirements of Executive Order #3 (1977)

- a) In addition to the requirements of the Illinois Governmental Ethics Act, certain employees in critical government positions are required to file a Statement of Personal Economic Disclosure. This is a requirement of Executive Order #3 (1977). "Personal Economic Disclosure." Staff included under Executive Order #3 are the following: appointed by the Governor; approve and certify vouchers; issuance of contracts, licensing, financial inspection of regulated private entities; staff in policy-making positions; or such other responsibilities determined to have potential conflict of interest.
- b) The Department's Office of Internal Audits contacts each employee subject to Executive Order #3 by memorandum instructing them to complete the attached Statement of Economic Interest that is attached to the memorandum and return it to the State Board of Ethics no later than April 30 of each year. Failure to file in a timely manner, or the willful making of a false, misleading, or incomplete Statement of Economic Interest or failure to cooperate with the State Board of Ethics shall be grounds for disciplinary action, including dismissal.

(Source: Added at 22 Ill. Reg. 5484, effective MAR 16 1998)

## Section 437.90 Violations of Part 437

- a) Strict compliance with all of the provisions of this Part is mandatory

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- and any non-compliance may subject the employee to criminal penalties, suspension, or discharge from employment.
- b) Any employee who has reasonable cause to believe that an employee is in violation of any of the provisions of this Part shall refer the matter to the Department's Office of Internal Audits.
- c) The Department may require any employee who appears to be in violation of any of the provisions of this Part to document all of his or her actions undertaken in order to comply with all of the provisions of this Part.
- d) Discipline imposed for violations of this Part will be based, in part, upon whether the employee:
- 1) Used his or her official position for private gain (other than salary);
  - 2) Gave preferential treatment to any entity or person in the conduct of official duties because of personal interest or personal relationship;
  - 3) Impeded or adversely affected governmental efficiency or economy because of personal interest or personal relationship;
  - 4) Failed to act impartially in the conduct of official duties because of personal interest or personal relationship; or
  - 5) Engaged in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.

(Source: Added at 22 Ill. Reg. 5434, effective MAR 16 1998)

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1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

3) Section Numbers: Adopted Action:

121.160 Amended  
121.162 Amended  
121.164 Amended  
121.166 Amended  
121.170 Amended  
121.172 Amended  
121.174 Amended  
121.176 Amended  
121.178 Amended  
121.180 Repealed  
121.184 Amended  
121.188 Amended  
121.220 Added  
121.221 Added  
121.222 Added  
121.223 Added  
121.224 Added

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and P.L. 104-193.

5) Effective Date of Rulemaking: March 4, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: March 1, 1998

9) Notice of Proposal Published in Illinois Register: May 2, 1997 at 21 Ill. Reg. 5410

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 121.162(d), "(see Section 121.186)" was added after "without good cause".
2. In Section 121.184(b)(2), "121.162(c)(4)" was changed to "121.162(b)(4)".

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3. In Section 121.184(b)(3), "121.162(d)(1)" was changed to "121.162(c)(1)".

4. In Section 121.184(b)(4), "121.162(d)(2)" was changed to "121.162(c)(2)".

5. ".00" was added after the dollar amounts throughout the text of the proposed rule.

6. In Section 121.221(d)(1), "them in writing and" was changed to "them, in writing, and".

7. In Section 121.221(d)(1)(c), ", who" was added after "participants".

8. In Section 121.221(h)(6), "contact related" was hyphenated.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
121.63	Amendment	21 Ill. Reg. 7639
121.105	New Section	21 Ill. Reg. 1647
121.105	Emergency	21 Ill. Reg. 1954

15) Summary and Purpose of Rulemaking: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) contains a work requirement for food stamps. On February 28, 1997 at 21 Ill. Reg. 2820, the Department of Public Aid proposed amendments to implement the work requirement for food stamps. The Department of Human Services is now adopting additional amendments to further implement and comply with this federal legislation.

As a result of this rulemaking, all individuals receiving food stamps, who reside in areas exempt from the work requirement, may be required to participate in the Food Stamp Employment and Training program. This rulemaking provides the provisions for meeting the work requirement with the Earnfare, Work Experience and Volunteer Community Work components. This will enable participants, residing in nonexempt areas of the State, to meet the work requirement via "workfare" type components such as Earnfare, Workfare and Volunteer Community Service. Participants will be able to work off the value of their food stamps up to a maximum of 20 hours each month. Participants will also be able to take part in the other Food Stamp Employment and Training components include Job Search, Basic Education, Job Readiness and Job Training.



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To the extent resources are available, the priority order for individuals receiving food stamps, who reside in areas exempt from the work requirement, who may be required to participate in the Food Stamp Employment and Training program include:

1. adults who receive food stamps and who volunteer or are court-ordered. If resources are available, these individuals may be required to participate in other Food Stamp Employment and Training activities;
2. exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in Earnfare. Receipt of food stamps is not an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of TANF children;
3. all other nonexempt food stamp recipients not receiving TANF or Refugee Assistance;
4. recipients of Transitional Assistance;
5. nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and
6. individuals who are homeless.

Although individuals may volunteer to participate, these amendments also establish that individuals exempt from the Food Stamp Employment and Training program will be individuals who are:

1. under age 18 or over age 50;
2. medically certified as physically or mentally unfit for employment;
3. pregnant;
4. a student enrolled at least half-time;
5. a member of a household responsible for a dependent child;
6. responsible for the care of an incapacitated person;
7. participating in a drug addiction or alcoholic treatment and rehabilitation program;
8. receiving weekly earnings of at least the federal minimum wage times 30 hours; or

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9. receiving Unemployment Insurance.

However, initial employment expenses will be the only supportive service payments authorized for participants in the Volunteer Community Work component. In addition, supportive services costs will not include the cost of meals away from home.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ms. Susan Warrner Weir, Bureau Chief  
Address: Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grant Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone: (217)785-9772  
TTY: (217)557-1547

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
 FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

Section	
121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
121.10	Interviews

## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

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121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs

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121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
121.54	Earned Income In-Kind
121.55	Sponsors of Aliens
121.57	Assets
121.58	Exempt Assets
121.59	Asset Disregards

## SUBPART D: ELIGIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

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121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
121.73	Ineligible Household Members
121.74	Strikers
121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA - Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective <u>Restrospective</u> Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.120	Recertification of Eligibility

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121.130 Residents of Shelters for Battered Women and their Children  
 121.131 Fleeing Felons and Probation/Parole Violators  
 121.135 Incorporation By Reference  
 121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

## SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

Section  
 121.150 Definition of Intentional Violations of the Program  
 121.151 Penalties for Intentional Violations of the Program  
 121.152 Notification To Applicant Households  
 121.153 Disqualification Upon Finding of Intentional Violation of the Program  
 121.154 Court Imposed Disqualification

## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

Section  
 121.160 Persons Required to Participate  
 121.162 Participation and Cooperation Requirements  
 121.164 Orientation  
 121.166 Assessment and Employability Plan  
 121.170 Job Search Component  
 121.172 Basic Education Component  
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 121.176 Work Experience Component  
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 121.180 Grant Diversion Component (Repealed)  
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 121.184 Sanctions  
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 121.190 Conciliation and Fair Hearings  
 121.200 Types of Claims (Recodified)  
 121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
 121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)  
 121.203 Collecting Claim Against Households (Recodified)  
 121.204 Failure to Respond to Initial Demand Letter (Recodified)  
 121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
 121.206 Determination of Monthly Allotment Reductions (Recodified)  
 121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
 121.208 Suspension and Termination of Claims (Recodified)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

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Section  
 121.220 Workfare Components  
 121.221 Meeting the Work Requirement with the Earnfare Component  
 121.222 Volunteer Community Work Component  
 121.223 Work Experience Component  
 121.224 Supportive Service Payments to Meet the Work Requirement

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 3, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 23, 1980; amended at 4 Ill. Reg. 10, p. 253, effective February 27, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment



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at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8988, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective

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October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. ~~3502~~ <sup>3503</sup>, effective

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## SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section 121.160 Persons Required to Participate

- a) All individuals receiving food stamps, who reside in areas exempt from the work requirement, ~~may not be required to~~ <sup>are not exempt--will be required to</sup> participate in the Food Stamp Employment and Training (FSE&T) program, to the extent resources are available. This includes, in priority order:
- 1) adults ~~Adults~~ who receive food stamps and who volunteer or are court-ordered. If resources are available, these individuals may be required to participate in other Food Stamp Employment and Training activities;
  - 2) exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in Earnfare. Receipt of food stamps is not an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of TANF children ~~Recipients of Transitional Assistance;~~
  - 3) all other nonexempt food stamp recipients not receiving TANF or Refugee Assistance ~~Nonexempt clients--receiving--Family--and Children--Assistance--may--be required to participate in the Food~~

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Stamp-Employment-and-Training-program---See-89---Ill---Adm---Code 112-76-through-112-76-for-requirements-for-these-clients;  
 4) recipients of Transitional Assistance. Exempt--and--nonexempt individuals--ordered--by--a--court--of--competent-jurisdiction--to participate--in--Barnfare---Receipt--of--food--stamps--is--not--an eligibility--requirement--for--individuals--ordered--by--a--court--of competent-jurisdiction--who--are--non-custodial--parents--of--APBE children--and

5) nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training Program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and All-other--nonexempt--food stamp-recipients--not-receiving-APBE-or-Refugee-Assistance;  
 6) individuals who are homeless.

b) Those individuals exempt from the Food Stamp Employment and Training program are those individuals who are (however, individuals may volunteer to participate):

- 1) under age 18 or over age 50 Individuals-age-55-or-over;
- 2) medically certified as physically or mentally unfit for employment Persons-who-are-participating--in--a--substance--abuse treatment-program--or--who-are--on--a--waiting--list--for--such-a program;
- 3) Pregnant individuals-who-are-homeless--and--no--expectation--of is--someone-who-has-no-current-address--and--no--expectation--of acquiring--a--residence--in--the--next--30--days--it--excludes individuals living with friends or relatives on a continuous basis--it--includes--individuals--in--overnight--transitional shelters--Under-this-category--of--exemption--if--the--individual remains--homeless--after--12--months--the--individual--is--deemed--no longer-exempt--from--program-participation--unless-exempt--under--a different category;
- 4) a student enrolled at least half time Individuals--who-are chronically--ill--as--determined--by--a--physician--or licensed/certified--psychologist--who--finds--that--a--physical--or mental--impairment--either--by--itself--or--in--conjunction--with--age--or other--factors--prevents--the--person--from--engaging--in--employment--or participating--in--the--Food-Stamp-Employment--and--Training--Program;
- 5) a member of a household responsible for a dependent child Persons who-are-temporarily-ill--for--the--medically--documented--period--of the--illness;
- 6) responsible for the care of an incapacitated person Individuals who-have-another-household-member-who-requires-the-full-time-care of-the-individual;
- 7) participating in a drug addiction or alcoholic treatment and rehabilitation program Individuals-who-are-under-16-years-of-age; receiving weekly earnings of at least the federal minimum wage times 30 hours Individuals-age-16-or-17-who-are-not-the-head-of-a household-or-who-are--attending--school--or--are--enrolled--in--a

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- training-program-on-at-least-a-half-time-basis; or  
 9) receiving Unemployment Insurance. Students--enrolled--at-least half-time--in--any--recognized--school--training--program--or institution--of--higher-education--provided--that--students--enrolled at-least-half-time--in--an--institution--of--higher-education--have--met the-eligibility-conditions--as--defined--at--7-CFR-273.5--A--student enrolled--in--a--school--training-program--or--institution--of--higher education--shall--remain--exempt--during--normal--periods--of--class attendance--vacation--and--recess--unless--the--student--graduates--is suspended--or--expelled--drops-out--or--does--not--intend--to--register for--the--next--normal--school--term--(excluding--summer);  
 10) Individuals-who-are-employed--or--self-employed--and--working--a minimum--of--30--hours--per--week--or--receiving--earnings--equal--to--or greater--than--30--times--the--Federal--Minimum--Wage;  
 11) Individuals-receiving--unemployment--insurance--or--individuals--who have--applied--for--unemployment--insurance--if--the--person--was required--to--register--for--work--with--Job-Service--as--part--of--the unemployment--compensation--application--process--and  
 12) Persons-who-are--full-time-VISTA-volunteers--under--title--I--of--the 1973-Domestic-Volunteer-Services-Act--(42-U.S.C. 4931-et-seq.)--who were--recipients--of--public--assistance--under--Article--VI--of--the Illinois-Public-Aid-Code--(305-I.B.S. 5/Art. VI)--when--they--joined VISTA--or--are--full-time-volunteers--under--title--II--of--the--Act--(15 U.S.C. 637-et-seq.)--which--includes--foster--grandparents--senior health-aides--senior-companions--or--persons--serving--in--the--Senior Corps--of--Retired-Executives--(SCORP)--and--Active-Corps--of Executives-(ACB);

(Source: Amended 22 Ill. Reg. ~~12-1-82~~, effective 4/1988)

## Section 121.162 Participation and Cooperation Requirements

- a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. Individuals who are not Food Stamp Assistance recipients may be ordered by a court of competent jurisdiction to participate in the Earnfare component if they are non-custodial parents of TANF APBE children. The individual will be given the participation requirements in writing for each component to which the individual is assigned. These components include:

- 1) Earnfare (see Section 121.182), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate Basic-Education--(see-Section-121.172);



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- 2) Work Experience (see Section 121.176) Job-Training-(see-Section 121-178);
- 3) Job Training (see Section 121.178) Job--Search--(See--Section 121-178);
- 4) Basic Education (see Section 121.172) Work--Experience--(see Section-121-176);
- 5) Job Search (see Section 121.170); and Job-Readiness-(see-Section 121-174);
- 6) Job Readiness (see Section 121.174). Grant-Diversions-(see-Section 121-180);--and
- 7) Earnfare-(see-Section-121-182);--which-is-limited--to--adults--who receive--food--stamps--and--who-volunteer-or-are-court-ordered-to participate--
- b) The-individual-may-be-required-to-participate-in-such--employment--and training--programs-for-up-to-five-days-per-week-and-30-hours-per-week; up-to-a-maximum-of-120-hours-per-month;
- b)c) An individual is required to participate in the Food Stamp Employment and Training program by:
- 1) Cooperating with the Food Stamp Employment and Training program. Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.
  - 2) Job Contacts in Job Search. Individuals are required to make 20 acceptable employer contacts in every 30 calendar days while in the Job Search component.
    - A) Ten of the 20 required contacts must be either:
      - i) the completion and return of an application; or
      - ii) a face-to-face interview with an employer.
    - B) The remaining ten contacts may be any combination of the following:
      - i) the completion and return of an application;
      - ii) a face-to-face interview with an employer;
      - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
      - iv) the completion of a Job Service screening test;
      - v) the mailing of a resume with a cover letter to an employer;
      - vi) for union members in good standing, reporting to the union hall;
      - vii) reporting to a day labor hall; or
      - viii) reporting for temporary office service.

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- C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
- D) No individual shall be sanctioned and/or have Food Stamps disqualified for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to, the following:
- i) the individual appears for a scheduled interview and the employer misses the appointment;
  - ii) the individual has fewer than 20 contacts and/or fewer than ten interviews or applications, but came reasonably close to the required numbers in an effort to find work;
  - iii) the individual fails a civil service or other employment screening test;
  - iv) the individual completes an application which is not accepted by the employer; and
  - v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.
- 3) Responding to a job referral of suitable employment (such as, a written statement referring a mandatory registrant to an employer for a specific position).
- 4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.
- A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and
- B) Suitable employment must meet the following requirements:
- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;



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- ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
- iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the Federal ~~Federal~~ nor State minimum wage is applicable);
- iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) of this Section;
- v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
- vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
- vii) the mandatory registrant is physically and mentally competent to perform the work.
- 5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.
- c) d) Food Stamp Employment and Training participants who are employed must:
- 1) continue ~~continue~~ their employment; and
  - 2) ~~not~~ Not reduce their employment (for example, voluntarily reduce reducing work hours).

d) e) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section, without good cause (see Section 121.186), will result in a food stamp disqualification and/or financial sanction as outlined in Section 121.184.

(Source: Amended at 22 Ill. Reg. 5502 ~~5502~~, effective MAR 4 1998)

## Section 121.164 Orientation

- a) The Department shall arrange for individuals to receive a program orientation and an assessment to develop an employability plan. The orientation may be conducted by a provider of training or employment programs. When the orientation is scheduled by the Department, individuals will be sent a letter from the Department which includes the following information:
- 1) the fact of the individual's registration;
  - 2) the right to request an exemption;
  - 3) a complete description of all available exemptions;
  - 4) the date and time of the meeting;
  - 5) a description of the program and the purpose of the meeting;
  - 6) the consequences of failing to attend;

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- 7) the right to reschedule the appointment with good cause;
  - 8) the right to request transportation services to attend; and
  - 9) the printed name of the worker to contact for such purposes.
- b) In an orientation meeting, individuals will receive an explanation of the Food Stamp Employment and Training program, including Earnfare. The orientation shall include information regarding participation requirements, the distribution of a Food Stamp Employment and Training program booklet and an explanation of its contents which contains program information including the following:
- 1) an overview of the Food Stamp Employment and Training program, including Earnfare for those who are eligible to participate in Earnfare;
  - 2) the exemption criteria listed in Section 121.160(b);
  - 3) a description of all Food Stamp Employment and Training program components, eligibility criteria, and specific participation requirements for each component;
  - 4) general participation requirements, such as appearing for scheduled meetings with Food Stamp Employment and Training program staff, responding to a job referral, and accepting a bona fide offer of suitable employment as described in Section 121.162(c);
  - 5) the individual's responsibilities while in the Job Search component as described in Sections 121.162(c)(2) and 121.170;
  - 6) the Job Search allowance and the other supportive services identified in Section 121.188;
  - 7) information on what constitutes an acceptable employer contact;
  - 8) the assessment process and employability plan as described in Section 121.186; and
  - 9) the result of the individual's failure to cooperate, without good cause, with the Food Stamp Employment and Training program.
- c) When providing an orientation to individuals eligible for Earnfare, the orientation meeting shall include an explanation of participation requirements, the maximum Earnfare payment amount and the fact that individuals who volunteer for Earnfare are not subject to financial sanctions or food stamp disqualifications for refusal or failure to comply with Earnfare requirements.
- d) Nonexempt Mandatory registrants must attend all scheduled orientation meetings or notify their Food Stamp Employment and Training worker of good cause to be excused and have their meeting rescheduled (see Section 121.186).
- 1) If an individual fails to attend an orientation meeting, on-two separate-occasions without good cause (see Section 121.186), Transitional Assistance will be sanctioned and/or Food Stamp Assistance shall be discontinued.
  - 2) If the nonexempt mandatory registrant fails to attend an orientation meeting on-two-separate-occasions but has good cause (see Section 121.186) on--at-least--one--occasion, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if

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- canceled) and the nonexempt **mandatory** registrant shall be reimbursed for any Transitional Assistance lost.
- 3) Transitional Assistance and/or Food Stamp Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an orientation meeting, provided the date of agreement falls on or before the last day of the fiscal month of the discontinuance. Individuals who sign an agreement and who subsequently attend the orientation meeting shall receive an assessment (as explained in Section 121.166) as part of the orientation session.
  - 4) The Department shall attempt to schedule the orientation meeting on the day that the nonexempt **mandatory** registrant agrees to attend such orientation, or as soon thereafter as possible.

(Source: Amended at 22 Ill. Reg. 5502 effective 4/1996)

## Section 121.166 Assessment and Employability Plan

- a) Assessment and Employability Plan
  - 1) All individuals shall undergo an assessment to develop an employability plan.
  - 2) The assessment shall include collection of information, to the extent it is readily provided by the client, on the individual's background, age, literacy, education achievement level, job training and work experience as well as factors affecting employability or ability to meet participation requirements (for example, health, physical or mental limitations, recent institutionalization, family problems). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, the individual and Department staff or provider shall work together to establish the employability plan and to identify any supportive service needs required to enable the individual to participate in employment and training and meet the objectives of his or her **their** employability plan (see subsection (b) of this Section). If during assessment an individual is identified as "not employable", **"not--employable"** the individual will be referred to apply for Transitional Assistance and for a determination of "not employable" status.
  - 3) The employability plan shall contain at least the following:
    - A) the employment-related objective;
    - B) the Food Stamp Employment and Training component placement;
    - C) the supportive services that must be provided or arranged; and
    - D) a statement that the supportive services have been provided by the Department or otherwise arranged, including an explanation of specific arrangements and services provided.

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- b) The assessment shall take place at least at the following times:
  - 1) within ten working days after the date the program orientation is provided to the individual;
  - 2) at any time to determine the individual's suitability for a different component (see Section 121.170 through 121.182);
  - 3) prior to the assignment to a different component; or **if--the individual--is--not--cooperating--with--the--requirements--of--the program--(see--Sections--121.162--and--121.170--through--121.182)--to make satisfactory progress in a component or thinks the component is not appropriate. prior--to--the--assignment--to--a different component--or**
  - 5) **upon--the request--of--the individual--if the individual is failing to make satisfactory progress--in--a component--or--thinks--the component is not appropriate.**
- c) When the assessment is conducted by the Department, the individual will be notified, in writing, of the assessment meeting. The notice shall include the following information:
  - 1) the date and time of the interview;
  - 2) a description of the purpose of the interview;
  - 3) the consequences of failing to attend;
  - 4) the right to reschedule for good cause (see Section 121.186); and
  - 5) the address, telephone number and printed name of the person to contact for such purposes.
- d) Based on the assessment and the eligibility criteria for each Food Stamp Employment and Training component, an individual will be assigned a component or components and receive component-specific participation requirements (see Sections 121.170 through 121.182).
  - 1) If an individual fails to appear for an assessment interview or to comply with the assessment process, without good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be discontinued for the assistance unit.
  - 2) If an individual has good cause (see Section 121.186) for failing to appear for an assessment interview or to comply with the assessment process, Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the individual shall be reimbursed for any Transitional Assistance lost.
  - 3) Transitional Assistance and/or Food Stamp Assistance which has been discontinued because of failure to participate/cooperate in the assessment process shall be reinstated if the individual agrees to undergo an assessment and the assessment subsequently takes place. The reinstatement shall be effective the date of the discontinuance provided the date of agreement falls on or before the last day of the fiscal month for which the discontinuance would be effective. If the date of agreement falls after the last day of the fiscal month for which the discontinuation would be effective, reinstatement shall be effective upon cooperation.

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4) The Department shall attempt to schedule the assessment interview on the same day that the individual agrees to cooperate with the assessment or as soon thereafter as possible.

e) The individual shall be notified, in writing, of the discontinuance of Transitional Assistance and/or Food Stamp Assistance, due to failure to comply with this Section or Section 121.162(e). The notice shall state, with specificity, the action being taken and the reasons for the action, the acts constituting the noncompliance and the date of such acts. The notice shall also state the right to be restored to Transitional Assistance, without loss of benefits, upon completion of the conditions stated in this Section and Section 121.162(e).

f) Food Stamp Employment and Training program participation shall not be required in the event that supportive services or other resources identified in the employability plan are needed for effective participation but are unavailable from the Department or from some reasonably available source.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, MAR 4 1990)

## Section 121.170 Job Search Component

a) Individuals assigned to the Job Search (JS) Component component, based upon the employability plan, must attend all scheduled meetings, including pre-arranged Job Skills Workshops conducted by other than Food Stamp Employment and Training staff. The individual will be notified, in writing, of all scheduled meetings. The failure of an individual to appear for scheduled meetings, without good cause, will constitute noncooperation.

b) Individuals who fail to cooperate in Job Search, without good cause, shall be subject to financial sanction and/or food stamp disqualification as explained in Section 121.184.

c) The individual is required to actively contact employers in his or her efforts to secure employment (nonexempt mandatory registrants are required to make 20 acceptable employer contacts every 30 days). No individual shall receive a financial sanction and/or a food stamp disqualification for failure to make the appropriate number of job contacts, if the individual has made a good faith effort to make the job contacts (see Section 121.162(b)(7)(2)).

d) Individuals may be assigned to Job Search for a maximum of eight weeks within a 12 consecutive month period.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, MAR 4 1990)

## Section 121.172 Basic Education Component

a) In the Basic Education Component component, Food Stamp Employment and

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Training staff provide information, referral, counseling services and supportive services to individuals to increase their employment potential and to remove significant barriers to employment. Individuals may be referred to testing, counseling and education resources, rehabilitation therapy, and agencies or programs which sponsor such activities, such as Job Training Partnership Act (JTPA) and Department of Rehabilitation Services (DORS).

b) Eligibility Criteria. Approval of education and training plans is based upon the Department's assessment of the following factors:

1) The program selected will lead to unsubsidized employment making an individual employable, taking into consideration the time required to complete, and the over-all cost and quality of the program (see Section 121.170(d));

2) An individual has the aptitude, ability and interest necessary for success in the particular education or training program (as determined by such factors as test results, educational background and previous training);

3) The program must be administered by an educational institution accredited by the Illinois State Board of Education or the Department of Professional Regulation or be a Job Training Partnership Act (JTPA) funded program;

4) An individual must apply for the Pell grant and scholarships from the Illinois Student Assistance Commission, as well as any scholarships or grants identified by the education or training facility for which an individual may be eligible. Such funds shall be exempt from consideration as income to the extent they are used to pay educational expenses, such as books, tuition and fees, provided the individual is participating under an approved Food Stamp Employment and Training education and training plan;

5) An individual does not possess a high school diploma or a GED certificate;

6) An individual must participate in a full-time program as defined by the educational program unless:

A) a full-time program is not available (for example, a full-time GED program is not available); or

B) a part-time program is the most appropriate, as determined by the Food Stamp Employment and Training program.

c) Entry into the Component. The assignment into the Basic Education Component results from the joint employability plan developed by the individual and the Food Stamp Employment and Training worker (see Section 121.166).

d) Participation Requirements

1) An individual must maintain a level of satisfactory progress as established and reported by the educational facility.

2) Failure of an individual to attend training or education classes three times in a 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to participate, without good cause, in



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classes as defined by the education or training facility shall result in a financial sanction and/or food stamp disqualification (see Section 121.184).

- 3) Curriculum changes can be made only with the prior written approval of the Food Stamp Employment and Training worker. Prior approval will be granted when the curriculum change is consistent with the written goals of the training program.
- 4) An individual must provide monthly verification of attendance and progress (for example, statements signed by the instructor, educational records and reports prepared at the end of the term). Contact with Individuals. An individual is to contact the Food Stamp Employment and Training worker on a monthly basis if the supportive service payments identified in Section 121.188 are being issued.
- f) Availability of Slots. If the Department determines the individual should be in the Basic Education Component component, but there are no appropriate slots available, the individual may be assigned to another appropriate component while waiting for an appropriate Basic Education slot to become available.

(Source: Amended at 22 Ill. Reg. 5502, effective 10/1/90)

## Section 121.174 Job Readiness Component

- a) An individual who has not found employment and who needs to learn the necessary essentials to obtain and maintain employment may be referred to the Job Readiness Component component. The Job Readiness Component component helps an individual gain necessary job-finding skills to help find and retain employment.
- b) Eligibility Criteria
  - 1) The Job Readiness Component component is appropriate for an individual ~~determined-to-be-near-job-ready~~ and who requires assistance to perfect job-finding techniques and improve interview skills needed to obtain and to retain employment.
  - 2) Job Readiness activities, may be combined with other component activities if determined appropriate.
- c) Participation Requirements
  - 1) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based upon the individual's circumstances.
  - 2) The individual must attend all scheduled classes or sessions. The individual must make satisfactory progress based upon the written policy of the Job Readiness Provider ~~job-readiness provider~~. If there is a Job Search Component ~~job-search component~~ in the program, the individual must make up to eight acceptable employer contacts in a 30-day period.

(Source: Amended at 22 Ill. Reg. 5502, effective 10/1/90)

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10/1/90

## Section 121.176 Work Experience Component

- a) An individual who needs orientation to work, work experience, or training in order to prevent deterioration of skills or to enhance existing skills may be referred to the Work Experience Component component. This is to provide the individual with a meaningful experience in the world of work ~~experience~~. The Work Experience Sponsor ~~work-experience-sponsor~~ shall not use Work Experience ~~nonexempt mandatory~~ registrants to displace regular employees.
- b) Eligibility Criteria. The Work Experience Component component is appropriate for ~~nonexempt mandatory~~ registrants determined:
  - 1) to have no recent work history or employer references taking into consideration such factors as the ~~nonexempt mandatory~~ registrant's educational background and previous training; or
  - 2) to need experience to prevent deterioration of skills, or to enhance existing skills (for example, typing).
- c) Entry into the Component
  - 1) An individual who is determined eligible for the Work Experience Component component, based on an assessment of education, training and employment history, may be assigned to the Work Experience Component component. The ~~procedures-used-in-the assessment are-a-face-to-face-meeting-with-the-individual-and includes a review of all available information on the individual (including, but not limited to, an individual's case record).~~ ~~the-Work-Experience-involves-participation-in-the-fields-of health-social-services-environmental-protection-urban-and rural-development-welfare-recreation-public-facilities-public safety-and-day-care~~ Individuals shall be placed in a Work Experience Assignment ~~any-of-the-fields~~ considering, to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Individuals will be selected for the appropriate Work Experience Assignment ~~field~~ taking into consideration such factors as an individual's work history and the needs of the sponsor.
  - d) Participation Requirements
    - 1) A work assignment consists of three consecutive months. An individual is required to work with community-based not-for-profit, private or government agencies and with public or private education and vocational training institutions. (The date an individual is to appear at the work assignment begins the work-assignment period.) An individual is required to work not more than the number of hours that correspond with his or her level of Transitional Assistance grant and/or Food Stamp benefits, divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month. If an individual is also a member of a Food Stamp household consisting of more than

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one person, Food Stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment.

2) An ~~Barring-work--assignment--en--individual--may--be--required--to participate in education and training programs--Additional~~ individual is required to accept bona fide offers of employment pursuant to Section 121.162(b)(4).

3) An individual is also required to report, as scheduled and on time, to the Work Assignment Sponsor ~~work assignment-sponsor~~ when notified of an assignment. When an individual cannot report to the work assignment or if the individual will be late, he or she is to immediately notify the Work Assignment Sponsor ~~work assignment-sponsor~~.

4) Failure to report to the job assignment initially, without good cause, or failure to attend the work assignment one day in a 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification.

e) Job Search. During work assignment, an individual who is not in an approved education and training program is required to make eight acceptable employer contacts in a 30-day period. Failure to make the required employer contacts, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.162(b)(2)).

f) Assessment Reassignment. At the end of the three-month period, an individual's employability will be evaluated using the procedures and criteria described in Section 121.166. If continuing the work assignment will benefit an individual in terms of furthering work skills (see subsection (b) of this Section), the individual shall be reassigned to the work assignment. Otherwise, an individual will be assessed for assignment to another Food Stamp Employment and Training Component.

g) Displacement

1) The Work Assignment Sponsor ~~work assignment-sponsor~~ shall not use individuals, participating in the Food Stamp Employment and Training program, to displace the sponsor's employees:

- A) who are already employed as regular full-time or part-time employees of the sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;
- B) who are or have been involved in a labor dispute between a labor organization and the sponsor; or
- C) who have been temporarily laid off by the sponsor.

2) Individuals or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the individual (the grievant);

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- B) the individual's public aid case number;
- C) the individual's social security number;
- D) the work assignment (work site); and
- E) a statement as to why an individual believes he or she is causing displacement.

3) Within ten days after receipt of a written grievance, the Department will arrange an in-person conference with:

- A) the individual;
- B) the individual's representative, if any;
- C) the Work Assignment Sponsor ~~work assignment-sponsor~~;
- D) the Work Assignment Sponsor ~~work assignment-sponsor's~~ representative, if any; and
- E) the Department's representative.

4) At the in-person conference, the Department will solicit and receive from the individual and the Work Assignment Sponsor ~~work assignment-sponsor~~ any documents and statements relevant to the matters alleged in the grievance. The Work Assignment Sponsor ~~work assignment-sponsor~~ shall provide documents or other information requested by the individual and/or the Department.

5) Within 15 days after the in-person conference, the Department will advise the individual and the Work Assignment Sponsor ~~work assignment-sponsor~~, in writing, of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that Work Assignment Sponsor ~~work assignment-sponsor~~. If the Department concludes, as a result of the evidence presented at the conference, that the Work Assignment Sponsor ~~work assignment-sponsor~~ has caused displacement by use of individuals participating in the Food Stamp Employment Training program in addition to the individual grievant, then the Department may terminate the Food Stamp Employment and Training program participants' assignment to that Work Assignment Sponsor ~~work assignment-sponsor~~.

7) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the Work Assignment Sponsor ~~work assignment-sponsor~~ for filing a grievance or otherwise proceeding under this subsection (g).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, MAR 4 1996)

## Section 121.178 Job Training Component

- a) Individuals who will benefit from short-term training to obtain unsubsidized employment and job-placement assistance are referred to the Job Training Component. The Job Training component



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offers special time-limited services for specific target populations.  
b) Eligibility Criteria. The Job Training Component is appropriate for individuals determined to:

- 1) be able to benefit from short-term vocational training (for example, an individual who has the interest and ability to complete the training program and be hired in a position for which an individual has trained); and
  - 2) be readily employable with the addition of short-term training (for example, training for a specific job for which there are jobs available).<sup>7</sup> and
  - 3) meet specific project entry criteria.
- c) Entry into the Component. Assignment of individuals to Job Training will be made as a result of the assessment and development of the employability plan.

d) Participation Requirements

- 1) The individual must maintain a level of satisfactory attendance and progress as established and reported by the training provider. Failure of an individual to attend training classes, without good cause, three times in a 30-day period shall result in a financial sanction and/or food stamp disqualification as specified for the Job Training Component.

- 2) The individual must provide verification of attendance and progress (for example, statements signed by the instructor, records and reports prepared at the end of the term). The individual must provide monthly written verification of attendance.

e) Contact with Individual

- 1) The Food Stamp Employment and Training worker shall have contact with the individual on a monthly basis. Contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits and written correspondence.
- 2) The individual must provide verification of progress such as statements signed by the instructor and records and reports prepared at the end of the term). The individual must provide monthly verification of attendance.

(Source: Amended at 22 Ill. Reg. 5526, effective 1-1-86)

Section 121.180 Grant Diversion Component (Repealed)

a) in the Grant Diversion component, the individual is transitional Assistance grant is diverted to the employer or contractor to offset the costs of training a new employee. The employer will be responsible for making payments to the individual in the form of a salary, at not less than the federal minimum wage, and the individual shall receive the same benefits as those provided to all company staff members, for their position title. At the end of the training

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period, the employer is expected to continue the employment of the individual without the diverted funds. The transitional Assistance grant is diverted to a contractor who provides training and pays the individual wages during the training and then places the individual into unsubsidized full-time employment.

b) Eligibility Criteria. The Grant Diversion component is appropriate for individuals determined:

- 1) to be receiving Transitional Assistance grant and food stamps;
- 2) to possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background;
- 3) to need experience to prevent deterioration of, or to enhance existing skills, and
- 4) who volunteer.

c) Entry into the Component. The assignment to the Grant Diversion component results from the assessment and employability plan developed by the individual and the Food Stamp Employment and Training worker.

d) Participation Requirements

- 1) The individual must agree to accept wages from employment. The employer will be responsible for making payments to the individual in the form of a salary, at not less than the federal minimum wage (higher if the position warrants), less applicable payroll taxes, in lieu of the cash grant, and the individual shall receive the same benefits as those provided to all company staff members for their particular position title.

- 2) The individual must attend all scheduled days. Failure to attend, as agreed, without good cause shall result in a food stamp disqualification and/or financial sanction and removal from the Grant Diversion project. If the individual cannot report to the Grant Diversion employer or will be later, he or she is to immediately notify the Grant Diversion employer.

- 3) Assignment to the component can continue for three to six months as specified in the contract. Individuals are not entitled to be placed in a Grant Diversion slot. Grant Diversion slots are available only to the extent that resources permit.

- 4) The individual must do satisfactory work as determined by the employer or training provider.

- 5) Upon completion of the Grant Diversion assignment, participants are required to accept bona fide offers of employment pursuant to Section 121.162(c)(4).

e) Client Benefits

- 1) While actively involved in a training program, an individual remains eligible for medical assistance.
- 2) An individual may also be entitled to certain supportive service payments, such as initial employment expenses.
- f) Contacts with Employers/Training Providers
- 1) Employers/Training Providers that participate in the Grant Diversion program must enter into a written contract with the



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Department prior to receiving referrals under this program.  
2) Employers training providers must be and most remain in good standing with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

9) Displacement

1) The Grant Diversion sponsor shall not use individuals to displace persons:

- A) who are already employed as regular full time or part time employees of the sponsor regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason;
- B) who are or have been involved in a labor dispute between a labor organization and the sponsor;
- C) who have been temporarily laid off by the Grant Diversion employer.

2) Individuals in the Grant Diversion Component or their representatives may file a grievance with the Illinois Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the Grant Diversion individual (the grievant);
- B) the Grant Diversion individual's public aid case number;
- C) the Grant Diversion individual's social security number;
- D) the Grant Diversion employer (work site); and
- E) a statement as to why the Grant Diversion individual believes he/she is causing displacement.

3) Within ten days after receipt of a written grievance, the Department will arrange an in person conference with:

- A) the individual in the Grant Diversion Component;
- B) the representative of the individual in the Grant Diversion Component;

C) the individual's Grant Diversion employer;

- D) the Grant Diversion employer's representative if any; and
- E) the Department's representative.

4) At the time of the in person conference, the Department will solicit and receive from the individual in the Grant Diversion and the Grant Diversion employer any documents and statements relevant to the matters alleged in the grievance. The Grant Diversion employer shall provide documents or other information requested by the individual and/or the Department.

5) Within 15 days after the in person conference, the Department will advise the Grant Diversion participant and the Grant Diversion employer in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.

6) If the Department concludes that displacement occurred, the

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Department will terminate the individual's assignment to the Grant Diversion employer if the Department concludes as a result of the evidence presented at the conference that the Grant Diversion employer has caused displacement by use of food stamp employment and training participants in addition to the grievant in the Grant Diversion; then the Department may terminate those individuals assigned to that Grant Diversion employer. All individuals assigned to Grant Diversion are assured that no retaliation will be taken against them by the Department, its employees or the Grant Diversion employer for filing a grievance or otherwise proceeding under this subsection (97).

7)

All individuals assigned to Grant Diversion are assured that no retaliation will be taken against them by the Department, its employees or the Grant Diversion employer for filing a grievance or otherwise proceeding under this subsection (97).

(Source: Repealed at 22 Ill. Reg. ~~1000~~ effective ~~1/1/86~~)

Section 121.184 Sanctions

a) An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp disqualification. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp disqualifications for non-participation in Earnfare.

1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or shall be disqualified for food stamps for two months. The two month ineligibility and/or food stamp disqualification shall be ended early if the individual actually complies with the appropriate requirement or if the individual becomes exempt.

2) Transitional Assistance sanctions and/or food stamp disqualifications shall be imposed against those individuals who refuse or fail to participate without good cause in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

b) Non-cooperation with the Food Stamp Employment and Training program includes one instance of any of the following:

- 1) refusal/failure to respond to a job referral;
- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(b)(4));
- 3) discontinuance of suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 121.162(c)(4));
- 4) reduction of suitable employment (for example, hours of

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employment) without good cause (see Section 121.162(c)(4)(2)(f)); or

5) use of a supportive service payment (see Section 121.188) for something other than the supportive service for which it was provided.

c) A Transitional Assistance sanction and/or food stamp disqualification will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:

- 1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The Food Stamp Employment and Training worker will include the individual in a scheduled group or other meeting or re-schedule the individual for another meeting;
- 2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, without good cause, thereby precluding or interrupting participation or progress in the employability plan;
- 3) An individual fails to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period shall result in a Transitional Assistance sanction and/or a food stamp disqualification (see Sections 121.162(b)(4)(2));
- 4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a Transitional Assistance sanction and/or food stamp disqualification (see Section 121.186); and
- 5) Failure of an individual to attend training, without good cause, as specified for the Training component, shall result in a sanction.
- d) A Transitional Assistance sanction and/or food stamp disqualification shall be imposed only on a nonexempt individual.
- e) No Transitional Assistance sanction or food stamp disqualification will be imposed until Food Stamp Employment and Training staff has sent the individual a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the

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consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt mandatory registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

f) A Transitional Assistance sanction and/or food stamp disqualification shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp disqualification process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp disqualification shall include the following:

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) the following statement: "You will be sanctioned until (last day of sanction period) or until you comply with the appropriate program requirement or become exempt. In order for Transitional Assistance and Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance, you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date). If you apply later than (date), there may be a further gap in assistance."

(Source: Amended 62 ILCS 1336, effective 5502 = 3, Ill. Reg. 1336)

## Section 121.188 Supportive Services

- a) Transitional Assistance recipients and individuals receiving food stamps are eligible to receive supportive service payments in advance, except for orientation, to enable them to participate in the program. Transitional Assistance recipients and individuals receiving food stamps may also be eligible for individuals who are otherwise eligible for Transitional Assistance, but do not receive it--because they are employable, are eligible to receive transportation payments in advance and initial employment expenses. Supportive service costs shall not include the cost of meals away from home.
- b) During the assessment, the supportive services needed by an individual which must be discussed and provided or arranged as needed include at least the following:



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- 1) transportation;
  - 2) employment-related medical services (for example, TB test);
  - 3) vocational rehabilitation;
  - 4) initial employment expenses;
  - 5) required books, fees, supplies;
  - 6) pre-employment and pre-training physical examinations that are needed but not otherwise provided; and
  - 7) clothing allowance to enable participants to report to their Earnfare job site.
- c) Food Stamp Employment and Training program participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Food Stamp Employment and Training program participation will not be required in a component if the individual's monthly allowable supportive service expenses exceed the maximum amount allowed by Department policy. Individuals may be required to participate in another component or a less costly activity of the same component to the extent it is consistent with the employability plan established during the individual's assessment.
- d) Eligible Services
- 1) Transportation
    - A) If required and necessary, expenses for transportation will be provided to enable individuals to attend orientation orientation meetings and conciliation meetings.
    - B) Transportation expenses are to be paid to permit participation in the Job Search, Basic Education, Job Training, Job Readiness, Work Experience, Grant-Diversion and Earnfare Components components.
    - C) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (15¢ per mile) will be approved, which includes all vehicle-related expenses.
    - D) Transportation expenses are to be paid as an initial employment expense to go to and from work for 30 calendar days from the date employment begins until receipt of first full paycheck.
    - E) Transportation expenses are to be paid to Earnfare participants who are not in the Earnfare Job Search job search Activity component for specific job interviews arranged by their Earnfare employer.
  - 2) Job Search Expenses
    - A) Individuals participating in Job Search will receive an amount, not to exceed \$20.00 a month, to assist in the payment of Job Search-Related Expenses job-search-related expenses.
    - B) An allowance of \$5.00 a month will be paid to individuals participating in the Work Experience and Job Readiness Components components to assist in the payment of Job

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- Search-Related Expenses job-search-related-expenses.
- 3) Mandatory Fees. Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, including the fee for the GED test, are provided to individuals enrolled in approved education or training programs (see Sections 121.170 through 121.182). A maximum payment of \$300.00 per 12-month period can be provided. No payments are allowed for tuition.
  - 4) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. A maximum payment of \$300.00 per 12-month period can be provided.
  - 5) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.
  - 6) Earnfare clothing allowance. Necessary clothing is provided to enable participants to report to their Earnfare job site. A maximum clothing allowance of \$100.00 per 12-month period can be provided.
  - 7) Initial Employment Expenses
    - A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins. These expenses are paid based on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400.00 in a 12 consecutive month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week. These expenses include:
      - i) Special clothing (maximum \$200.00);
      - ii) Required tools which are not provided by the employer (maximum \$200.00);
      - iii) Repairs of an automobile (maximum \$300.00);
      - iv) Auto license plate fees;
      - v) Auto liability insurance at the cheapest rate but not to exceed \$150.00 or three months coverage, whichever is less costly;
      - vi) Transportation expenses at the most reasonable and economical rate, ~~whichever is less~~. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;
    - B) These expenses include:
      - i) Special clothing (maximum \$200.00);
      - ii) Required tools which are not provided by the employer (maximum \$200.00);
      - iii) Repairs of an automobile (maximum \$300.00);
      - iv) Auto license plate fees;
      - v) Auto liability insurance at the cheapest rate but not to exceed \$150.00 or three months coverage, whichever is less costly;
      - vi) Transportation expenses at the most reasonable and economical rate, ~~whichever is less~~. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;



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- vii) Child care;  
viii) Physical examination, prior to employment, if required and not provided by the employer;  
ix) Other required items related to a specific job (maximum \$300.00); and  
x) Item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.
- e) These allowances are exempt from consideration in determining the Transitional Assistance grant amount.

(Source: Amendment at 1992 Ill. Reg. effective 5502, effective 5502)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

## Section 121.220 Workfare Components

- a) To the extent resources allow, the Department shall establish Workfare Components to give food stamp recipients an opportunity to meet the work requirement for food stamps by volunteering to participate in the Workfare Components. These components include the:
- 1) Earnfare Component (see Section 121.221), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate;
  - 2) Volunteer Community Work Component (see Section 121.222); and
  - 3) Work Experience Component (see Section 121.223).
- b) Food stamp recipients who meet the participation requirements of the Workfare Components to retain food stamp eligibility may also participate in other Food Stamp Employment and Training (FSE&T) components. These components include Job Search (see Section 121.170), Basic Education (see Section 121.172), Job Readiness (see Section 121.174), and Job Training (see Section 121.178).

(Source: Added at 22 Ill. Reg. effective 5502)

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## Section 121.221 Meeting the Work Requirement with the Earnfare Component

- a) Assignment to the Earnfare Component is limited to adults who receive food stamps and who volunteer or are court-ordered to participate.
- b) Eligibility for the Earnfare Component shall be limited to six months out of any 12 consecutive month period, except that court-ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period.
- 1) Individuals are not entitled to be placed in an Earnfare slot. Earnfare slots shall be made available only as resources permit.
  - 2) To the extent resources permit, the Earnfare program will allow individuals to work for monthly payments and to improve their employability in order to succeed in obtaining employment.
- c) Administration and Contracts
- 1) The Department shall administer the Earnfare program in Chicago.
  - 2) The Department may enter into cooperative agreements with local governmental units in selected geographic areas which want to participate in the operation of the Earnfare program outside of the City of Chicago. The Department shall establish the policies and procedures for the program and monitor Earnfare programs in local governmental units. Local governmental units will be eligible to participate in the operation of an Earnfare program in the following priority order as resources permit:
    - A) Local governmental units that receive State funds.
    - B) Local governmental units that neither receive State funds nor are under a current contract with the Department will be eligible to contract with the Department to administer Earnfare. The Department will reimburse client payments, transportation and up to 50% of allowable administrative staff costs. The Department will select non-receiving units to participate in the program from the applications received based on, but not limited to, the unemployment rate, percentage of the population receiving food stamps, outreach and recruitment plans, linkage with employers and connection to a court of competent jurisdiction to enable operation of the Non-Custodial Parent/Earnfare Initiative.
  - 3) The Department may enter into contracts with other public agencies, including State agencies, local governmental units, and not-for-profit community-based organizations, to help develop Earnfare opportunities and otherwise administer the program.
  - 4) The Department may enter into contracts with community-based organizations as comprehensive providers to administer and operate Earnfare in the City of Chicago.
  - 5) The Department shall provide Worker's Compensation coverage for each individual assigned to Earnfare.

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d) Notification and Referrals

1) In areas where an Earnfare program is operating, when the Department or the local governmental unit learns that individuals are in the following categories, it shall inform them, in writing, and, whenever possible, orally of the existence of Earnfare and the method for requesting an Earnfare referral.

A) Households approved or certified for non-assistance food stamps which do not have net food stamp income in excess of \$154.00 per month;

B) All persons denied or terminated from State Transitional Assistance because they are employable; and

C) All Earnfare participants, who shall be given a written notice at the time they leave the Earnfare program specifying when they will re-qualify.

2) The Department, comprehensive providers and participating downstate local governmental units shall make referrals to the Earnfare program as follows:

A) Any person may request a referral.

B) Exempt and nonexempt food stamp individuals and individuals not receiving food stamps who are non-custodial parents of TANF children may be ordered by a court of competent jurisdiction to participate in the Earnfare Component.

C) Within 30 days after a request for an Earnfare referral:

i) persons who do not qualify for the Earnfare program shall be given or sent a notice informing them that they do not qualify and will not receive a referral;

ii) persons who request a referral and who qualify for the Earnfare program shall be provided with a written document that acknowledges the request and informs the individual that he or she is qualified.

3) Within 30 days after notice of eligibility, individuals shall be assessed and referred to appropriate Earnfare slots, if slots are available.

e) For the purposes of Earnfare, a "suitable" Earnfare slot must meet the following requirements:

1) there are no questions as to the individual's ability to engage in such employment for medical reasons or because the individual has no way to get to or from the particular job;

2) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;

3) the individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;

4) there is no unreasonable degree of risk to the individual's health and safety; and

5) the individual is physically and mentally competent to perform the work.

f) Individuals participating in Earnfare shall not displace or substitute

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for regular, full-time or part-time employees, regardless of whether the employee is currently working, on a leave of absence, or in a position or similar position where a layoff has taken place or the employer has terminated the employment of any regular employee or otherwise reduced its work force with the effect of filling the vacancy so created with an individual subsidized under this program, or is or has been involved in a labor dispute between a labor organization and the sponsor.

g) Entry into the Component

1) Individuals shall be referred to suitable Earnfare slots with local governmental units, not-for-profit community-based and local organizations, other public agencies, including State agencies, and private employers.

2) To the extent appropriate slots are available, individuals will be referred to suitable Earnfare activities based on an assessment of the individual's age, literacy, education, educational achievement, job training, work experience, and recent institutionalization, whenever these factors are known and are relevant to the individual's success in carrying out the assigned activities and in ultimately obtaining employment. The Department or the participating local governmental unit shall discuss with the individual available Earnfare assignments, together with any restrictions and qualifications the Earnfare employers have specified for the assignments. The individual's personal preferences for available Earnfare assignments and the individual's employment goals shall be ascertained and considered in making the Earnfare referral.

3) The Department, comprehensive providers and local governmental units shall maintain up-to-date public listings by area of Earnfare employers and current information regarding openings in those projects. These listings and the information shall be available to the public, in writing or by phone, during regular business hours.

h) Payments

1) Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity, up to a maximum of \$231.00 per month. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month. An individual is considered to have participated in Earnfare and remains eligible for food stamps in any month he or she earns a payment.



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- A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment-assigned activities equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of performance in Earnfare activity. The individual can earn a maximum of \$231.00 each month including the amount of the support obligation. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.
- B) Individuals will be assigned hours of Earnfare based upon their initial food stamp authorization amount. An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment, for purposes of calculating the Earnfare hours.
- C) During an individual's Earnfare participation, the Department or the local governmental unit shall alter the Earnfare hours each time the individual's monthly food stamp benefit changes by at least \$20.00 effective the same month as the change in the food stamp benefit. Individuals and contractors will be notified by the Department or the local governmental unit of the number of hours of work to be performed by an individual in Earnfare.
- 2) Individuals remain financially eligible for Earnfare and Earnfare job search activity so long as they receive food stamps. Receipt of food stamps is not an eligibility requirement of Earnfare when a court of competent jurisdiction orders an individual, who is a non-custodial parent of TANF children, to participate.
- 3) The Department may pay participants directly or may contract for the Earnfare employer to pay the individual. Payments shall be made no less frequently than monthly. Individuals shall be paid only for the hours they have actually worked in excess of the food stamp hours of work obligation and, if ordered by a court of competent jurisdiction, in excess of food stamp hours and the support obligation.
- 4) Individuals shall be credited with hours of work that the

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- Earnfare employer certifies them to have completed, according to criteria set forth in the contract with the Department, comprehensive providers or the local governmental unit. The Department, comprehensive providers or the local governmental unit staff shall attempt to resolve disputes between the Earnfare employer and the individual when there is a disagreement over the number of hours worked. If the dispute cannot be resolved, the individual may utilize the Department's appeal process.
- 5) The Department or the provider shall, in advance, provide individuals participating in Earnfare who need transportation with the cost of transportation in getting to and from the Earnfare site, and for Earnfare participants who are not in the job search component, to specific job interviews arranged by their Earnfare employer. Individuals obtaining unsubsidized employment, while participating in Earnfare, may be eligible for initial employment expenses as stated in Section 121.124.
- 6) Participants in the Earnfare job search activity are eligible for employer contact-related expenses not to exceed \$20.00 every 30 days for a maximum of two months in a 12 consecutive month period.
- 7) The Department will provide necessary clothing to enable participants to report to their Earnfare job site. Participants will be required to submit a written request for clothing needed.
- 1) Participation Requirements
- 1) Individuals may volunteer to participate in Earnfare and participation shall be limited to only six months out of any 12 consecutive month period, except that court-ordered participants shall participate for six months unless the court orders participation for less than six months out of any 12 consecutive month period. Individuals participating in Earnfare shall engage in hours of work equal to the amount of the food stamp benefits divided by the federal minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each additional hour of work up to a maximum of \$231.00 per month. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 per month. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month.
- A) If a court of competent jurisdiction orders an individual to participate in the Earnfare program, hours engaged in employment-assigned activities multiplied by the federal minimum wage shall first be applied as a \$50.00 payment made to the custodial parent as a support obligation. If the individual receives food stamps, the individual shall engage in hours of employment-assigned activities equal to the amount of the food stamp benefits divided by the federal



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minimum wage up to a maximum of 26 hours and subsequently shall earn assistance at minimum wage for each hour of performance in Earnfare activity up to \$231.00 each month including the amount of the support obligation. Effective October 1, 1996, the date the federal minimum wage was increased to \$4.75 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$261.00 each month, including the amount of the support obligation. Effective September 1, 1997, the date the federal minimum wage was increased to \$5.15 per hour, individuals participating in Earnfare shall be able to earn a maximum of \$294.00 per month, including the amount of the support obligation.

B) Individuals participating in Earnfare first work the number of hours equal to food stamp benefits and subsequently earn financial assistance benefits.

2) Individuals are required to report, as scheduled and on time, to their Earnfare employer when notified of a referral. When they cannot report to their Earnfare assignment or if they will be late, they are to immediately notify their Earnfare employer.

3) If the individual demonstrates an inability to sustain the work that has been assigned and the Earnfare assignment was appropriate to the individual's abilities, the Department shall reassess the individual and, if appropriate, shall refer the person to apply for Transitional Assistance or federal SSI benefits. If the person is ordered by a court of competent jurisdiction to participate in the Earnfare Component, that person shall also be referred back to the court when unable to perform the work that has been assigned.

4) An individual may be dismissed by the employer from an Earnfare assignment prior to its completion. The Department, comprehensive providers or local governmental unit shall return an individual dismissed by an employer to the client pool. An individual dismissed by an employer shall be treated as a new program entrant for the purpose of Earnfare assignments.

5) Earnfare clients may participate in a voluntary job search activity as resources permit. Earnfare clients may participate for two months in a 12 consecutive-month period concurrently with Earnfare. Clients are required to make a minimum of 20 employer contacts each month while in the Earnfare job search activity.

(Source: Added at 22 Ill. Reg. 5503.1, effective MAR 4 1998)

## Section 121.222 Volunteer Community Work Component

a) An individual who has to meet the work requirement for food stamps may participate in the Volunteer Community Work Component. The Volunteer

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Community Work Component helps individuals learn various skills while performing a variety of tasks.

## b) Eligibility Criteria

- 1) The Volunteer Community Work Component is appropriate for an individual who has to meet the work requirement to receive food stamps and is willing or is already performing a Volunteer Community Work assignment.
- 2) The individual can self-initiate or arrange his or her own Volunteer Community Work assignment with community-based organizations and must document the hours, in writing, that the Volunteer Community Work Sponsor certifies the individual to have completed. The individual must meet all food stamp requirements to maintain food stamp eligibility.

## c) Participation Requirements

- 1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.
- 2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Volunteer Community Work hours. The individuals must engage in hours of work equal to their per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.
- 3) Individuals shall be credited with hours of work that the Volunteer Community Work Sponsor certifies them to have completed, in writing, when approved by the Department.

## d) Volunteer Community Work Sponsors

- 1) Volunteer Community Work is self-initiated work that an individual can perform with community-based organizations, churches or other cooperating agencies or entities.
- 2) Individuals participating in "Workfare programs", operated by local governmental units, shall be credited with Volunteer Community Work.

(Source: Added at 22 Ill. Reg. 5502.1, effective MAR 4 1998)

## Section 121.223 Work Experience Component

a) An individual who has to meet the work requirement for food stamps may volunteer to participate in the Work Experience Component. The Work Experience Sponsor shall not use Work Experience participants to displace regular employees.

b) Eligibility Criteria. The Work Experience Component is appropriate for food stamp recipients who need help meeting the food stamp work requirement.

c) Entry into the Component. Individuals shall be placed in a Work

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Experience assignment considering, to the extent possible, their prior training, proficiency, experience, skills, and vocational preference. Individuals will be selected for the appropriate Work Experience assignment taking into consideration such factors as the individual's work history and the needs of the sponsor.

## d) Participation Requirements

1) An individual is required to work with community-based not-for-profit, private or government agencies and with public or private education and vocational training institutions. An individual is required to work not more than the number of hours that correspond with his or her level of food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month. If an individual is also a member of a food stamp household consisting of more than one person, food stamp benefits shall be prorated among all members of the household to determine the number of hours the registrant is required to complete in the work assignment up to a maximum of 20 hours each month.

2) An individual is required to report, as scheduled and on time, to the Work Experience Sponsor when notified of an assignment. When an individual cannot report to the work assignment or if the individual will be late, he or she is to immediately notify the Work Experience Sponsor.

## e) Displacement

1) The Work Experience Sponsor shall not use individuals participating in the Work Experience Component to displace the sponsor's employees:

- A) who are already employed as regular full-time or part-time employees of the sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons, or any other reason;
- B) who are or have been involved in a labor dispute between a labor organization and the sponsor; or
- C) who have been temporarily laid off by the sponsor.

2) Individuals or their representatives may file a grievance with the Department if they believe their work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the individual (the grievant);
- B) the individual's public aid case number;
- C) the individual's social security number;
- D) the work assignment (work site); and
- E) a statement as to why an individual believes he or she is causing displacement.

3) Within ten days after receipt of a written grievance, the Department will arrange an in-person conference with:

- A) the individual;

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B) the individual's representative, if any;

C) the Work Experience Sponsor;

D) the Work Experience Sponsor's representative, if any; and

E) the Department's representative.

4) At the in-person conference, the Department will solicit and receive from the individual and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide documents or other information requested by the individual and/or the Department.

5) Within 15 days after the in-person conference, the Department will advise the individual and the Work Experience Sponsor, in writing, of the information obtained in the investigation and the findings and conclusions as to the matters alleged in the grievance.

6) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of individuals participating in the Work Experience Component in addition to the individual grievant, then the Department may terminate the Work Experience participant's assignment to that Work Experience Sponsor.

7) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this subsection (e).

(Source: Added PAR at 1998 Ill. Reg. 5502, effective 1/1/98)

## Section 121.224 Supportive Service Payments to Meet the Work Requirement

a) Participants are eligible to receive supportive service payments, in advance, to enable them to participate in Earnfare and Work Experience. Supportive services shall not be authorized for the Volunteer Community Work Component except for initial employment expenses. Earnfare and Work Experience participants may also be eligible for initial employment expenses. Supportive service costs shall not include the cost of meals away from home.

b) The supportive services needed by an individual in Earnfare and Work Experience, which must be discussed and provided or arranged as needed, include at least the following:

- 1) transportation;
- 2) initial employment expenses; and
- 3) a clothing allowance to enable participants to report to their Earnfare job site.



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## NOTICE OF ADOPTED AMENDMENTS

## C) Eligible Services

## 1) Transportation

- A) Transportation expenses are to be paid to permit participation in the Work Experience and Earnfare Components.
- B) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (15¢ per mile), which includes all vehicle-related expenses, will be approved.
- C) Transportation expenses are to be paid as an initial employment expense to go to and from work for 30 calendar days from the date employment begins.
- D) Transportation expenses are to be paid to Earnfare participants who are not in the Earnfare job search activity for specific job interviews arranged by their Earnfare employer.

2) Earnfare Clothing Allowance. Necessary clothing is provided to enable participants to report to their Earnfare job site. A maximum clothing allowance of \$100.00 per 12-month period can be provided.

## 3) Initial Employment Expenses

- A) Payment to Volunteer Community Work, Earnfare and Work Experience participants may be provided for employee it expenses incurred when requested within 30 calendar days from the date employment begins. These expenses are paid based on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all initial employment expenses provided shall not exceed \$400.00 in a 12 consecutive-month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.

## B) These expenses include:

- i) special clothing (maximum \$200.00);
- ii) required tools which are not provided by the employer (maximum \$200.00);
- iii) repairs of an automobile (maximum \$300.00);
- iv) auto license plate fees;
- v) auto liability insurance at the cheapest rate but not to exceed \$150.00 or three months coverage, whichever is less costly;
- vi) transportation expenses at the most reasonable and economical rate. If the mandatory registrant's own car is used, a gas allowance of \$3.00 daily or a rate of 15¢ per mile, whichever is less, shall be

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authorized;  
vii) child care;

viii) physical examination prior to employment if required and not provided by the employer;

- ix) other required items related to a specific job (maximum \$300.00); and
- x) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Items and services may include, but are not limited to, the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.

C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.

D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.

(Source: Added at 22 Ill. Reg.

11.1000 (1000)

effective



## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Accreditation of Laboratories for Drinking Water, Wastewater and Hazardous Waste Analyses
- 2) Code Citation: 35 Ill. Adm. Code 186
- 3) Section Numbers:
- |            |                 |
|------------|-----------------|
| 186.105    | Adopted Action: |
| 186.110    | New Section     |
| 186.115    | New Section     |
| 186.120    | New Section     |
| 186.125    | New Section     |
| 186.130    | New Section     |
| 186.135    | New Section     |
| 186.140    | New Section     |
| 186.145    | New Section     |
| 186.150    | New Section     |
| 186.155    | New Section     |
| 186.160    | New Section     |
| 186.165    | New Section     |
| 186.170    | New Section     |
| 186.175    | New Section     |
| 186.180    | New Section     |
| 186.185    | New Section     |
| 186.190    | New Section     |
| 186.195    | New Section     |
| 186.200    | New Section     |
| 186.205    | New Section     |
| 186.210    | New Section     |
| 186.215    | New Section     |
| 186.220    | New Section     |
| 186.225    | New Section     |
| APPENDIX A |                 |
- 4) Statutory Authority: Implementing and authorized by Sections 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)]; Section 1401(1)(D) of the Safe Drinking Water Act (42 USC 300f (1)(D)); Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30) and the Clean Water Act (32 USC 1251).
- 5) Effective Date of Rule: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) Date filed in Agency's principal office: January 9, 1998
- 9) Notice of Proposal Published in the Illinois Register: 21 Ill. Reg. 6979,

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED RULES

June 13, 1997

- 10) Has JCAR issued a Statement of Objections to these rules: No
- 11) Differences between proposal and final version:
1. In the Authority Note, the reference to Section "4(o) and (p)" has been changed to "4(n) and (o)".
  2. In Section 186.115(a), "ASTM E1301-95, "Standard guide for Proficiency Testing by Interlaboratory Comparisons, approved October 10, 1995 (January 1996)" has been moved to before "American Society for Testing ...".
  3. In Section 186.115(a), "EPA No. 600/8-91/213, "Standard Operating Procedure for Lead in Paint by Hotplate or Microwave-Based Acid Digestions and Atomic Absorption or Inductively coupled Plasma Emission Spectrometry" available from NTIS, PB92-114172." has been moved to before the paragraph starting "National Technical Information Service....".
  4. In Section 186.115(a), "Quality Assurance Principles for Analytical Laboratories," 2nd edition, 1991, available from" has been moved to before the paragraph starting "Association of Official Analytical Chemists (AOAC)...." and the word "Principles" has been added before the word "for", and the acronym "AOAC" has been deleted.
  5. In Section 186.115(a), the phrase "Laboratory Manual Physical/Chemical Properties, volumes 1A, 1B, 1C," has been added after "Test Methods for Evaluating Solid Waste, SW846" and before the word "3rd".
  6. In Section 186.115(a), the following has been deleted:  
1A, "Laboratory Manual Physical/Chemical Properties," 3rd edition.  
1B, "Laboratory Manual Physical/Chemical Properties," 3rd edition.  
1C, "Laboratory Manual Physical/Chemical Properties," 3rd edition.
  7. In Section 186.115(a), "EPA No. 570-9-90-008" has been changed to "EPA No. 815-B-97-001", the words "for the" have been lower cased, the words "Appendix A" have been deleted, "3rd edition, September 1992" has been changed to "4th edition, March 1997," and "Office of Water Resource Center (RC-4100), 401 M. Street S.W. Washington D.C. 20460" has been replaced with "U.S. Environmental Protection Agency, Office of Water, Office of Ground Water and Drinking Water, Technical Support Center, Cincinnati, Ohio 45268".

## ENVIRONMENTAL PROTECTION AGENCY

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8. In Section 186.115 (b), the phrase "Incorporations by Reference." has been deleted, subsection (b)(1) has been redesignated subsection (b) and "(1997)" has been added after each reference to the Code of Federal Regulations.
9. Section 186.115 (b)(2) has been redesignated Section 186.115 (c), and the words "subsection (b)" have been replaced with "Section".
10. In Section 186.120, in the definition of "Accuracy", the phrase "; a data quality indicator" has been deleted.
11. In Section 186.120, in the definition of "ASTM", "Philadelphia" has been deleted and replaced with "West Conshohocken".
12. In Section 186.120, in the definition of "Analyzed reagents", "(AR)" has been added before closing the quote.
13. In Section 186.120, in the definition of "Analytical standard", the phrase "a pure compound or a mix of pure" has been replaced with the phrase "a solution of a compound or mixture of" and after the word "compounds", the words "of known purity in an appropriate solvent" have been added. The phrase "calibrate an instrument or a piece of equipment" has been deleted and after the word "to", the phrase "prepare calibration standards" has been added.
14. In Section 186.120, after the definition of "Approved test methods", the following has been added:  

"ASTM E1301-95" means "Standard Guide for Proficiency Testing by Interlaboratory Comparisons".
15. In Section 186.120, in the definition of "Batch", the word "sample" has been added after the word "first" and the phrase "the start of processing of the" has been added after the words "sample and".
16. In Section 186.120, in the definition of "Bias", the phrase "(that is to say)" has been deleted.
17. In Section 186.120, after the definition of "Bias", the following has been added:  

"Bi-Weight program" means the computer program utilized by the USEPA to evaluate performance evaluation study data. The Bi-Weight program uses statistical evaluation procedures that are robust to outliers. The Bi-Weight program can be obtained from the United States Environmental Protection Agency, National Exposure Research Laboratory, National Water Quality Assurance Programs Branch, Ecological Exposure Research

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Division, Cincinnati, OH 45268.

18. In Section 186.120, in the definition of "Blind sample", the phrase "that is used to test the analyst's, analysts-in-training's, or technician's proficiency in the execution of the measurement system" has been added after the word "submitter". The last sentence in the definition has been deleted.
19. In Section 186.120, in the definition of "Calibration standard", the phrase "pure analyte or mix of pure analytes" has been replaced with the phrase, "solution of an analyte or mixture of analytes of known purity in an appropriate solvent".
20. In Section 186.120, the definition of "Chain-of-custody" has been deleted.
21. In Section 186.120, the definition of "Certifying authority" has been deleted.
22. In Section 186.120, in the definition of "Chromatographic range", "(that is, early eluting versus late eluting)" has been deleted.
23. In Section 186.120, in the definition of "Continuing calibration verification check", "(CCV)" has been added after the word "verification", and a comma has been added after the word "recalibrations" and the phrase "and meets the requirements of" has been replaced with the phrase "as required by".
24. In Section 186.120, in the definition of "Continuing calibration verification check standard", the phrase "pure analytes or mix of pure analytes" has been deleted and replaced with the phrase "solution of an analyte or mixture of analytes of known purity in an appropriate solvent".
25. In Section 186.120, in the definition of "Controlled access storage", the comma between "authorized, laboratory" has been deleted.
26. In Section 186.120, in the definition of "Corrective action", the word "reoccurrence" has been replaced with the word "recurrence".
27. In Section 186.120, the definition of "In control" has been deleted.
28. In Section 186.120, in the definition of "Initial calibration", the words "analytical standards" has been deleted and replaced with "calibration standards".
29. In Section 186.120, the definition of "Initial calibration

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verification check", the word "(ICV)" has been inserted after the word "verification" within the quotation marks, and the phrase "and which meets the requirements of" has been changed to ", as required by".

30. In Section 186.120, in the definition of "Initial calibration verification check standard", the phrase "pure analyte or mix of pure analytes" has been changed to "solution of an analyte or mixture of analytes of known purity in an appropriate solvent".

31. In Section 186.120, in the definition of "Initial demonstration of method performance study", the word "(IDMP)" has been added after the word "performance" within the quote, the word "preclude" has been changed to "insure that", and the word "from" has been changed to "does not", and the word "analyzing" has been changed to "analyze".

32. In Section 186.120, in the definition of "Laboratory", the last sentence in the definition has been changed to: "A laboratory with a main facility and an annex in the same city as the main facility and within 5 miles of the main facility may be considered one laboratory".

33. In Section 186.120, after the definition of "Least precise step", the following new definition has been added:

"Linear calibration range" means linear dynamic range.

34. In Section 186.120, in the definition of "Linear working range", the word "working" has been changed to the word "dynamic".

35. In Section 186.120, after the definition of "Linear dynamic range", the following has been added:

"Litigation sample" means a sample, knowingly analyzed by the laboratory, for possible legal action.

"Major remodeling" means any remodeling of the laboratory facility that requires the acquisition of a local building permit.

36. In Section 186.120, in the definition of "Aqueous", the words "excluded from the definition of" have been changed to the words "other than", the words "saline or" have been added after the words "water, or" and after the definition of "Non-aqueous liquid" the following has been inserted:

"Saline or estuarine waters" means any aqueous sample from an

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ocean or estuary."

37. In Section 186.120, in the definition of "Matrix spike", the comma has been deleted and the word "subject" changed to the word "subjected".

38. In Section 186.120, in the definition of "Method blank", the words "pursuant to Section 186.160" have been added after the word "level".

39. In Section 186.120, in the definition of "Method detection limit", the word "(MDL)" has been added after the word "limit" within the quotes.

40. In Section 186.120, in the definition of "Megohm/cm", the "/" has been replaced with a "-" and the word "per" has been replaced with "-".

41. In Section 186.120, "uhos/cm" has been replaced with "umhos/cm".

42. In Section 186.120, after the definition of "umhos/cm", the following has been added:

"National Environmental Laboratory Accreditation Conference" means a voluntary association of state and federal agencies whose purpose is to establish and promote mutually acceptable performance standards for the operation of environmental laboratories.

43. In Section 186.120, "Neat compounds" has been changed to "Neat compound".

44. In Section 186.120, the definition of "Out-of-control" has been deleted.

45. In Section 186.120, after the definition of "Pattern of peak profile recognition for identification", the following has been added:

"PE" means performance evaluation.

46. In Section 186.120, in the definition of "Quality assurance plan", the word "(QAP)" has been added after the word "plan" within the quotation.

47. In Section 186.120, in the definition of "Quality control check sample", the word "an" has been added after the words "means", the phrase "obtained from an outside source" has been added after the word "concentration".



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48. In Section 186.120, the definition of "Replicate sample" has been changed to "Replicate", and the words "or more" have been added after the word "two".
49. In Section 186.120, after the definition of "Sample", the following has been added:
- "Sample tracking" means an unbroken trail of accountability that ensures the physical security of samples, data, and records.
50. In Section 186.120, in the definition of "Sample duplicate", the phrase "two samples taken from and representative of the same population and carried through all steps of the sampling and analytical procedures in an identical manner. Sample duplicates are used to assess variance of the total method including sampling and analysis." has been changed to: "two equal aliquots taken from the same sample container and analyzed independently for the same constituent."
51. In Section 186.120, in the definition of "Second source", the words "obtained from" have been changed to "a".
52. In Section 186.120, after the definition of "Test", the following has been added:
- "Traceability" means the property of a result of a measurement whereby it can be related to appropriate standards, usually international or national standards, through an unbroken chain of comparisons.
53. In Section 186.125 (b), "and 35 Ill. Adm. Code 185" has been added after the word "Act".
54. In Section 186.125 (d)(1)(D), the word "and" has been added after the word "number" and the phrase "if available" added before the word "electronic".
55. In Section 186.125 (d)(1)(I), ", other" has been deleted.
56. In Section 186.125 (d)(1)(M), the phrase "a list of" has been added before the words "the approved test".
57. In Section 186.125 (d)(2)(A), the word "three" has been added before the word "most".
58. In Section 186.125 (d)(4)(P), "chain-of-custody" has been changed to "sample tracking".

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59. In Section 186.125 (e), "Starting one year after the adoption of this Part" has been changed to "Starting February 1, 1999".
60. In Section 186.130 (a)(7), has been replaced with "The Agency will accredit as one laboratory a laboratory with a main facility and an annex in the same city as the main facility and within 5 miles of the main facility."
61. In Section 186.135 (g)(2), the phrase "and contain documentation substantiating that each deficiency has been addressed" has been added after the word "deficiencies" and before the ",".
62. In Section 186.140 (a)(2), the hyphen has been deleted.
63. In Section 186.140 (a)(4)(F), the words "at least" have been added after the word "designating."
64. In Section 186.140 (e)(3)(B), the initial comma has been deleted and "signature certifying" has been replaced with "certification".
65. In Section 186.140 (e)(5), after the word "laboratory" the words ", contract employee or contracted temporary agency staff" have been added.
66. In Section 186.140 (h), the words "a minimum of" have been added after the words "who holds".
67. In Section 186.140 (h)(2), "(e)" has been replaced with "(h)(1)".
68. In Section 186.140 (h)(3), the words "signature certifying" have been replaced with "certification".
69. In Section 186.140 (i), after the word "educational", the words ", training" have been added.
70. In Section 186.140 (i)(1)(A), the word "or" has been deleted.
71. In Section 186.140 (i)(1)(B), the word "and" has been deleted and the following has been added:
- C) for the quality assurance officer, have six months experience in quality assurance and quality control procedures and be knowledgeable in the quality systems as defined under this Part as an offset for the training requirements specified in subsection (d)(2); or
- D) for analysts and technicians, have six months laboratory experience as offset for the training and apprenticeship

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requirements set forth in subsections (e)(3)(A) and (B), (h)(1) and (h)(2). Laboratory experience must be in the analytical technique for which the offset is requested; and

72. In Section 186.145 (b)(2)(C)(i), the words "an authorized" have been replaced with the words "a qualified".

73. In Section 186.145 (b)(3), the words "plus or minus 0.1" have been changed to "+ 0.1".

74. In Section 186.145 (b)(3)(B), the words "the pH range" have been replaced with "an appropriate pH range".

75. In Section 186.145 (b)(4), the word "uhos/cm" has been changed to "umhos/cm".

76. In Section 186.145 (b)(6)(E), the words "and the expected temperature" have been changed to ", the expected temperature and acceptance range criteria".

77. In Section 186.145(b), the following subsection (b)(8) has been added:

78) sufficient incubators to comply with the approved test methods.

A) The laboratory shall identify each incubator in a way that establishes its use and distinguishes it from other incubators in the laboratory.

B) The laboratory shall maintain one thermometer for use with each incubator.

i) The thermometer shall be graduated in increments no larger than 1°C.

ii) The laboratory shall identify each thermometer in a way that establishes its use and distinguishes it from other thermometers in the laboratory, such as serial number.

C) Laboratory personnel shall monitor each incubator's temperature each day of use.

D) Laboratory personnel shall maintain documentation of the monitoring that shall include the thermometer identification, incubator identification, date, temperature, initials of the responsible person and temperature range

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required by the approved test method for which accreditation is sought.

78. In Section 186.145 (h), after the word "frequent", the following has been added ", pursuant to section 5.2.1 of "Manual for the Certification of Laboratories Analyzing Drinking Water".

79. Subsections 186.145 (h)(1) and (h)(2) have been deleted.

80. In Section 186.145 (i)(2), "megohm/cm" has been changed to "megohm-cm" and "uhos/cm" has been changed to "umhos/cm".

81. In Section 186.145 (j), the word "devises" has been changed to "devices".

82. In Section 186.155 (a), the words "from NIST traceable" have been changed to "traceable to national".

83. In Section 186.155 (b)(1)(B), "(internal standard calibration)" has been added after the words "response factors", and the words "(external standard calibration)" have been added after the words "calibration factors".

84. In Section 186.155 (b)(2) "(0.0)" has been changed to "(0,0)".

85. In Section 186.155 (b)(4), the parenthetical has been deleted.

86. In Section 186.155 (d), the word "Where" has been replaced with: "When the laboratory utilizes a single point calibration and".

87. In Section 186.155 (e)(2)(D)(iv), the word "second" has been added before the word "source" and the phrase "with a different lot number" has been deleted.

88. In Section 186.155 (h)(1), the word "second" has been added before the word "source" and the word "different" has been changed to the word "material".

89. In Section 186.160 (a)(3), after "process.", the following has been added: "Method Blanks are not required for approved test methods, including but not limited to: pH, temperature and conductivity, for which method blanks are not appropriate."

90. In subsection 186.160 (a)(4)(B)(i), the word "and" has been deleted.

91. In subsection 186.160 (a)(4)(B)(ii), the period has been changed to ", and".

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92. A new subsection 186.160 (a)(4)(B)(iii) has been added as follows:
- iii) select analytes for spiking on a rotating basis from among the approved test method listed analytes, for approved test methods which list more than six analytes. The laboratory shall rotate the analytes for spiking over a two-year time period, ensuring that all analytes of interest are used in the time period.
93. Subsection 186.160 (a)(4)(D) has been deleted and the remaining subsections redesignated.
94. In Section 186.160 (a)(8), the words "perform all calculations" have been changed to "calculate quality control limits", "Part 1020B" has been changed to "Part 1020B(7)(a) and (b)" and the word "Principles" has been added after the word "Assurance".
95. In Section 186.160 (a)(9), the phrase "Quality control sample" has been deleted and the phrase "of quality control procedures" added after the word "results".
96. In Section 186.160 (a)(10), after the word "analyses" and before the period, ", unless the IDMP is not applicable to the approved test method, such as, total suspended solids, total solids, total dissolved solids, total volatile solids, pH, color, odor, temperature, dissolved oxygen or turbidity".
97. In Section 186.160 (a)(11)(A)(ii), the comma after "include, but are not limited to" has been changed to a colon, "Observations, or" has been changed to "Observations and" and "Outlying Observations as" has been changed to "Outlying Observations, as".
98. In subsection 186.160 (b)(3), the "and" has been deleted.
99. In subsection 186.160 (b)(3), the period has been changed to "; and".
100. In Section 186.160, a "4" has been placed before the words "For drinking water laboratory accreditation" and the paragraph has been moved to the correct indentation level.
101. In Section 186.165 (d), "(if different from above); telephone" has been changed to "(if different from above) and telephone".
102. In Section 186.165 (e)(2), "and" has been added before "job descriptions of key staff".
103. In Section 186.170 (a), "approved test method" has been changed to

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- "matrix and analyte".
104. In Section 186.170 (b)(2), the words "approved test method" have been changed to "analyte, matrix".
105. In Section 186.170 (m)(8) and (9), commas have been added after "VOC" and "chloride".
106. In Section 186.170 (n)(1), the words "the PE study" have been changed to the words "two out of three PE studies" and the words "approved application package" have been changed to "initial application package".
107. In Section 186.170 (n)(4)(B), "a PE sample" has been changed to "two PE samples".
108. In Section 186.170 (n)(4)(B), the words "the next applicable PE study" have been changed to the words "the next two PE studies".
109. A new subsection 186.170 (n)(6) has been added as follows:
- 6) The subsection (n)(5) revocation is effective immediately upon receipt of notification of revocation pursuant to Section 186.210 of this Part.
110. First notice subsection 186.170(n)(6) has been renamed (n)(7).
111. In Section 186.175 (a)(3)(B), the "i" has been deleted, the words "In the subsection" have been changed to "In this subsection", "Sections 6,7 and 8" has been added after "ASTM E1301-95".
112. Subsection 186.175 (a)(3)(B)(ii) has been deleted.
113. In Section 186.175 (b)(18), commas have been added after the words "testing" and "analysis".
114. In Section 186.175 (b)(20), the phrase "double-entry keypunching or other viable" has been changed to the phrase "any viable double-entry mechanism".
115. In Section 186.175 (f)(1), the words "with results" have been changed to a comma, and a comma has been added after "subsection (b)(7)".
116. In Section 186.180 (b)(3)(A), after the phrase "Method 3020A", "Method 3031" has been added, "Method 3040" has been changed to "Method 3040A", "3050A" has been changed to "3050B", the word "and" has been deleted and after "Method 3051", "Method 3052 and Method



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- 3060A" has been added.
117. In Section 186.180 (b)(3)(B), "3500A" has been changed to "3500B". "3510B" has been changed to "3510C". "3520B" has been changed to "3520C, Method 3535.". "3540B" has been changed to "3540C", and after "Method 3541", "Method 3542, Method 3545" have been added. "3550A" has been changed to "3550B, Method 3560, Method 3561", and after "Method 3580A", "Method 3585" has been added. "3600B" has been changed to "3600C", and "3610A" has been changed to "3610B". "3611A" has been changed to "3611B", and "3620A" has been changed to "3620B". "3630B" has been changed to "3630C". "3650A" has been changed to "3650B". "3660A" has been changed to "3660B". "3665" has been changed to "3665A, Method 3810, Method 3820, Method 4000, Method 4010A, Method 4015, Method 4020, Method 4030, Method 4035, Method 4040, Method 4041, Method 4042, Method 4050, Method 4051, Method 5000, Method 5021". "5030A" has been changed to "5030B, Method 5031, Method 5032, Method 5035". "Method 5040A" has been deleted. "5041" has been changed to "5041A". The words "and Method 5050" have been changed to "Method 8515, Method 8520, Method 9078, and Method 9079".
118. In Section 186.180 (b)(3)(C), after the word "exceptions:", "Method 5050" has been added, and "9095" has been changed to "9095A".
119. In Section 186.180 (c)(2), "Method 5100" and "Method 5110" have been deleted.
120. In Section 186.185 (d), after the words "prior to", the phrase "or at the time of" has been added.
121. In Section 186.185 (e)(2)(A), after the word "samples", the phrase "in the sample tracking records" has been added and before the word "chain-of-custody", the word "evidentiary" has been added.
122. In Section 186.190 (b), the words "which are" have been replaced with a colon.
123. In Section 186.190 (d)(8), the word "including" has been added after the word "laboratory".
124. In Section 186.190 (d)(10), a comma has been added after the word "validation".
125. Subsections 186.190 (d)(13) and (14) have been deleted and the subsequent subsections renumbered.
126. In first Notice Section 186.190 (d)(15), renamed as Section 186.190 (d)(13), an "and" has been added after the semicolon.

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127. First notice Section 186.190 (d)(17) (renumbered subsection (d)(15)) has been deleted.
128. In First Notice Section 186.190 (d)(16), renumbered Section 186.190 (d)(14), the ";" and" has been replaced with a period.
129. In Section 186.190 (n)(1), the words "accreditation number," have been added after the words "with the".
130. In Section 186.190 (n)(3)(A), the words "identification of the" have been added before the word "total".
131. In Section 186.190 (n)(8), a comma has been added after the word "signature" and deleted after the word "name".
132. In Section 186.190 (n)(9), after the word "identification", the phrase ", including the lab name and accreditation number pursuant to the requirements set forth in Section 186.195 of this Part," has been added.
133. In Section 186.190 (n)(12), after the word "laboratory", the words ", where appropriate" have been added.
134. In Section 186.190 (p), the word "above" has been changed to "in this Section".
135. In Section 186.190 (q), the phrase "if such information is required" has been added after the word "authority".
136. In Section 186.190 (u), the words "For The" have been made lower case.
137. In Section 186.190 (u)(2)(B), the words "of day and calendar date" have been added after the word "time".
138. In Section 186.190 (v), the word "practices" has been added after the words "sample disposal", and the phrase "including the date" has been changed to "including, where appropriate, the date".
139. In Section 186.190 (v)(2), the phrase "If the sample is subject to evidentiary chain-of-custody," has been added before the words "the laboratory" and the words "The laboratory" have been made lower case.
140. In Section 186.190 (v)(3), the phrase "If the sample is subject to evidentiary chain-of-custody," has been added before the words "The sample" and the words "The sample" have been made lower case.

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141. In Section 186.195 (a), the word "accredited" has been added after the word "subcontracts".
142. In Section 186.210 (d)(1), "Section 186.170 (M)" has been changed to "Section 186.170 (n)".
143. In Section 186.210 (e), a "1)" has been added after the word "revoke" and the words "failure to" have been deleted.
144. Subsections 186.210 (e) (1) through (5) have been labeled (A) through (E), respectively and the words "failure to" have been added at the start of subsections (A), (B), (C), and (D).
145. In Section 186.210 (e)(1)(B) (First Notice Section 186.210 (e)(2)), the word "subsections" has been added before the words "(b) and (c)", and the word "above" has been changed to "of this Section".
146. In Section 186.210 (e)(1)(D) (First Notice Section 186.210 (e)(4)), the word "or" has been deleted.
147. In Section 186.210 (e)(1)(E) (First Notice Section 186.210 (e)(5)), the words "submitting unacceptable results" have replaced the words "successfully analyze", and after the phrase "of this Part." the following has been added: "A revocation caused by the failure to successfully analyze PE samples on three consecutive PE studies pursuant to Section 186.170 (n) of this Part is effective immediately upon the laboratory's receipt of notification of the revocation pursuant to subsection (g) below; or".
148. In Section 186.210 (e), the final sentence has been changed from "For laboratories" to "2) for a laboratory" and placed at the correct indentation level and the phrase "the Agency will revoke" has been deleted.
149. In Section 186.210 after the label "h)" the following has been added: "A revoked laboratory shall not continue to analyze samples and represent the analyses as conducted pursuant to accreditation under this Part for the affected approved test methods or analytes."
150. First Notice Section 186.210 (h) has been labeled "1)" and placed at the correct indentation level, and "subsection (e)(1), (2), (3), (4) or (6)" has been changed to "subsection (e)(1)(A), (B), (C), or (D) or (e)(2)".
151. First Notice Section 186.210 (i) has been labeled Section 186.210 (h)(2) and the words "(e)(5)" have been changed to "(e)(1)(E)".

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152. First Notice Section 186.210 (j) has been labeled Section 186.210 (h)(3).
153. First Notice Section 186.210 (k) has been labeled Section 186.210 (i) and the words "or revoke" have been deleted.
154. In Section 186.210 (i)(3) (First Notice Section 186.210 (k)(3)), the words "or revocation" have been added after the word "suspension", and the phrase "upon receipt of notification of the suspension or revocation" added after the word "immediately".
155. First Notice Section 186.210 (l) has been labeled Section 186.210 (j).
156. In Sections 186.215 (a)(1), (b)(1) and (d), the words "with the Agency" have been added after the words "shall be filed" and the words "with the Agency" after the word "mail" have been deleted.
157. In Section 186.215 (b), the words "a laboratory" have been changed to "accreditation".
158. In Section 186.215 Appendix A, the heading "SOCs" has been deleted; the listing for asbestos, "7 MFL" has been changed to "7 MFL"; the abbreviation "VOCs" before the "Dichloromethane" has been deleted; "TTHMs Total" has been changed to "Total Trihalomethanes (TTHMs)"; "PCBs" has been changed to "Polychlorinated Biphenyls (PCBs)"; the second reference to "PCBs as Aroclors" has been deleted; and at the end of the table, the following statement has been added: "NA: Accreditation offered; however, there is no applicable MDL."
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this proposed rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary of Purpose of Rulemaking: This rulemaking proposed a comprehensive revision of laboratory accreditation processes in Illinois and will enable laboratories within Illinois to participate in a nation wide laboratory accreditation program. The accreditation regulations are consistent with accreditation regulations set forth by the National Environmental Laboratory Accreditation Conference. Illinois will be one of the states participating in a pilot program which will allow laboratories accredited in Illinois to conduct analyses in any jurisdiction which recognizes the national program.
- 16) Requests for information and questions regarding this adopted rule may be

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directed to:

John P. Anderson  
Manager, Division of Laboratories  
Illinois Environmental Protection Agency  
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Post Office Box 19276  
Springfield, Illinois 62794-9276  
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The full text of the Adopted Rule begins on the next page:

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NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 186

ACCREDITATION OF LABORATORIES FOR DRINKING WATER,  
WASTEWATER AND HAZARDOUS WASTE ANALYSES

Section	Purpose
186.105	Scope and Applicability
186.110	Incorporation by Reference
186.115	Definitions
186.120	Application Process
186.125	Accreditation Procedures and References to Accreditation
186.130	On-Site Evaluations
186.135	Personnel Requirements
186.140	Laboratory Equipment and Materials
186.145	Laboratory Facilities
186.150	Calibration
186.155	Quality Assurance/Quality Control
186.160	Quality Assurance Plan
186.165	Performance Evaluation Sample Testing
186.170	Performance Evaluation Testing Programs
186.175	Fields of Testing
186.180	Sample Acceptance and Receipt
186.185	Record Keeping, Sample Tracking and Reporting
186.190	Subcontracting
186.195	Reciprocity
186.200	Acceptance of Out-of-State Accreditation
186.205	Suspension, Revocation and Denial of Accreditation
186.210	Hearing, Decision and Appeal
186.215	Confidential Documents
186.220	Severability
186.225	Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation

Appendix A

AUTHORITY: Implementing and authorized by Section 1401(1)(D) of the Safe Drinking Water Act [42 USC 300f(1)(D)], Subpart C of the National Interim Primary Drinking Water Regulations [40 CFR 141.21 through 141.30], the Clean Water Act [32 USC 1251], the Illinois Environmental Protection Act [415 ILCS 5], and authorized by Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)].

SOURCE: Adopted at 22 Ill. Reg. effective  
MAR 4 1998 5563



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**Section 186.105 Purpose**

Pursuant to the authority contained in Section 4(n) and (o) of the Illinois Environmental Protection Act [415 ILCS 5/4(n) and (o)], which authorize the Illinois Environmental Protection Agency to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land, and sanitary, chemical, and mineral quality of water distributed by a public water supply, and to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency...and to promulgate and enforce regulations relevant to the issuance and use of such certificates, the Illinois Environmental Protection Agency adopts this Part.

**Section 186.110 Scope and Applicability**

- a) This Part establishes general provisions applicable to the accreditation program for laboratories administered under this Part.
- b) Nothing in this Part shall prevent laboratories from performing any quality control or other tests when the State has not required such tests to be performed by an accredited laboratory.
- c) Unless the contrary is clearly indicated, all references to "Sections" in this Part are to the Ill. Adm. Code, Title 35: Environmental Protection. For example, Section 186.105 of this Part is 35 Ill. Adm. Code 186.105.
- d) Unless the contrary is clearly indicated, all references to singular nouns include the plural noun, and all references to plural nouns include the singular, for example the word "laboratory" also includes multiple "laboratories."

**Section 186.115 Incorporation by Reference**

- a) The Agency incorporates the following documents by reference.

"Standard Methods for the Examination of Water and Wastewater," 18th edition (1992), available from the American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 (referred to as "Standard Methods").

ASTM E1301-95, "Standard Guide for Proficiency Testing by Interlaboratory Comparisons," approved October 10, 1995 (January 1996). American Society for Testing and Materials (ASTM). Copies of ASTM methods may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959; (610)832-9585.

EPA No. 600/8-91/213, "Standard Operating Procedure for Lead in Paint by Hotplate or Microwave-Based Acid Digestions and Atomic

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Absorption or Inductively Coupled Plasma Emission Spectrometry" available from NTIS, PB92-114172. National Technical Information Service (NTIS), United States Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161; (800)553-6847.

EPA No. 600/4-79-020, "Methods of Chemical Analysis of Water and Wastes" (March 1983) available from the USEPA National Environmental Research Laboratory, Cincinnati, OH 45268.

"Quality Assurance Principles for Analytical Laboratories," 2nd edition, 1991, available from Association of Official Analytical Chemists (AOAC), 1111 North Nineteenth Street, Suite 210, Arlington, Virginia 22209.

"Test Methods for Evaluating Solid Waste, SW846", "Laboratory Manual Physical/Chemical Properties", volumes 1A, 1B and 1C, 3rd edition, Office of Solid Waste and Emergency Response, Environmental Protection Agency, available from the Superintendent of Documents, U.S. Government Printing Office, Room 190, Federal Building, P.O. Box 371959, Pittsburgh, Pennsylvania 15250-7954; (202)783-3238.

EPA No. 815-B-97-001, "Manual for the Certification of Laboratories Analyzing Drinking Water", 4th edition, March 1997. U.S. Environmental Protection Agency, Office of Water, Office of Ground Water and Drinking Water, Technical Support Center, Cincinnati, Ohio 45268.

"Quality Assurance for Chemical Measurements," from Lewis Publishers Inc., 121 South Main Street, P.O. Drawer 519, Chelsea, Michigan 48118.

- b) The Agency incorporates the following Sections of federal regulations by reference:

40 CFR 136.3 Table IC, Table IB, Table ID (1997),

40 CFR 136.4 (1997),

40 CFR 136.5 (1997),

40 CFR 136 Appendix A (1997),

40 CFR 136 Appendix B (1997),

40 CFR 136 Appendix C (1997),

40 CFR 141.23(k) (1997),

40 CFR 141.24(e) (1997),

40 CFR 141.27 (1997), and

40 CFR 143.4 (1997).

- c) This Section incorporates no later amendments or editions.

**Section 186.120 Definitions**

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For the purposes of this Part, unless otherwise specifically defined or the context clearly requires a different meaning:

"Acceptance limits" means the data quality limits specified for analytical method performance.

"Accreditation" means the issuance by the Agency of certificates of competency to laboratories meeting the minimum standards established by the Agency in this Part. Accreditation is not a guarantee of the validity of the data generated by the accredited laboratory.

"Accredited laboratory" means a laboratory that has met the criteria established by this Part.

"Accrediting authority" means the state or federal agency having the responsibility and accountability to grant accreditation to laboratories.

"Accuracy" means a measure of the degree of agreement between an observed value generated by a specific procedure and a true value. Accuracy includes a combination of random error (precision) and systematic error (bias) components which are due to sampling and analytical operations.

"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"ASTM" means the American Society for Testing and Materials, West Conshohocken, PA, a not-for-profit, voluntary standards development system.

"Analyte" means a chemical element, chemical compound, or physical property.

"Analyte of interest" means the chemical element, chemical compound, or physical property for which the laboratory is performing an analysis to determine the quantity in a sample for reporting pursuant to this Part.

"Analyzed reagents (AR)" means chemicals analyzed for impurities where the level of impurities is reported in accordance with specifications of the Committee on Analytical Reagents of the American Chemical Society.

"Analytical standard" means a solution of a compound or a mixture of compounds of known purity in an appropriate solvent used to prepare calibration standards. An analytical standard may be traceable to

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NIST standard reference materials.

"Applicant laboratory" means any laboratory seeking initial accreditation.

"Application" means a verified written request for accreditation containing all the information required in Section 186.125 of this Part.

"Application package" means the application, invoice, accreditation fee and related materials described in Section 186.125 of this Part.

"Approved performance evaluation program" means a performance evaluation program which meets the requirements of Section 186.175 of this Part.

"Approved test methods" means the analytical methods specified in Section 186.180 of this Part.

"ASTM E1301-95" means "Standard Guide for Proficiency Testing by Interlaboratory Comparisons".

"Audit" means a thorough, systematic, qualitative examination of a laboratory for compliance with this Part, including but not limited to an examination of any of the following: facilities, equipment, personnel, training, procedures, documentation, record keeping, data verification, data validation, data management, data reporting, or any aspect of the laboratory's activities which affect the laboratory's ability to meet the Agency's conditions for accreditation or comply with this Part.

"Batch" means one to 20 environmental samples of the same matrix that are prepared together with the same process and personnel, using the same lot of reagents with a maximum time between the start of processing of the first sample and the start of processing of the last sample being 24 hours.

"Bias" means the systematic or persistent distortion of a measurement system which causes errors in one direction (the expected sample measurement is different from the true value).

"Bi-Weight program" means the computer program utilized by the USEPA to evaluate performance evaluation study data. The Bi-Weight program uses statistical evaluation procedures that are robust to outliers. The Bi-Weight program can be obtained from the United States Environmental Protection Agency, National Exposure Research Laboratory, National Water Quality Assurance Programs Branch, Ecological Exposure Research Division, Cincinnati, OH 45268.

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"Blind sample" means a subsample for analysis with a composition known to the submitter that is used to test the analyst's, analyst-in-training's, or technician's proficiency in the execution of the measurement system. The analyst, analyst-in-training, or technician may know the identity of the sample but not its composition. The laboratory management may know the identity and composition of the blind sample.

"Calibrate" means initial calibration.

"Calibration blank" means a volume of distilled or deionized water containing the same reagents, solvents, acids or preservatives contained in the calibration standards. The calibration blank is used to determine the response of the instrument to the zero concentration of an analyte of interest.

"Calibration standard" means a solution of an analyte or mixture of analytes of known purity in an appropriate solvent used to calibrate the analytical instrument response with respect to analyte concentration.

"Certificate (certificate of approval)" means a document issued by the Agency to a laboratory that has met the criteria and conditions for accreditation as set forth in this Part. The certificate may be used as proof of accredited status. A certificate is always accompanied with a scope of accreditation.

"Certification" means accreditation.

"Certified laboratory" means an accredited laboratory.

"Certifying authority" means an accrediting authority.

"Chromatographic range" means the time frame over which analytes move out of the chromatography column.

"Competence" means the ability of a laboratory to meet the Agency's conditions for accreditation and to conform to the criteria contained in this Part.

"Confidence interval" means that range of values, calculated from an estimate of the mean and standard deviation, which is expected to include the population mean with a stated level of certainty.

"Continuing calibration verification (CCV) check" means the analysis of a continuing calibration verification check standard to determine the state of calibration of an instrument between recalibrations, as required by Section 186.155 of this Part.

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"Continuing calibration verification check standard" means a solution of an analyte or mixture of analytes of known purity in an appropriate solvent used to perform the continuing calibration verification check. The source of the analyte may be the same as the source of the calibration standards' source or it may be a second source.

"Controlled access storage" means a refrigerator, cooler, rooms or building in which samples are held and from which samples may be removed only by authorized laboratory personnel.

"Corrective action" means an action taken by the laboratory to eliminate or correct the causes of an existing nonconformance in order to prevent the recurrence of the nonconformance.

"Corrective action plan" means a plan of corrective actions.

"Deficiency" means a failure of a laboratory to meet any requirement of this Part.

"Deficiency report" means a narrative from the Agency which details areas of noncompliance with this Part.

"Desk audit" means an audit of a laboratory's documentation maintained pursuant to this Part.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Document" means any written or pictorial information describing, defining, specifying, reporting, or certifying any activities, requirements, procedures, or results.

"Drinking water" means water used or intended for use as potable water.

"Drinking water analyses" means analyses performed on water used or intended for use as potable water.

"Drinking water sample data" means analytical results generated by drinking water analysis.

"Effective date" means the date of Agency correspondence to a laboratory.

"Environmental analyses" means measurement information results generated through the analyses of environmental samples.

"Environmental samples" means samples, excluding any laboratory



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generated quality control samples such as matrix spikes, duplicates, and laboratory control samples, for which the laboratory analytical results will be reported pursuant to this Part.

"Environmental sample data" means measurement data generated through the analysis of environmental samples.

"EPA No. 600/8-91/213" means "Standard Operating Procedure for Lead in Paint by Hotplate or Microwave-Based Acid Digestions and Atomic Absorption or Inductively Coupled Plasma Emission Spectrometry."

"Evidentiary chain-of-custody" means the procedures and records which ensure that an intact, contiguous written record tracing the possession and handling of samples from the point that clean sample containers are provided by the laboratory or the point of sample collection through disposal are maintained.

"Final performance evaluation report" means a statement prepared by the USEPA or an Agency approved performance evaluation program that describes or evaluates a laboratory's performance after the laboratory's analyses of performance evaluation samples.

"Initial calibration" means the analyses of calibration standards for a series of different specified concentrations of an analyte of interest used to define the linearity and dynamic range of the response of the instrument to an analyte.

"Initial calibration verification (ICV) check" means analysis of an initial calibration verification check standard to determine the state of calibration of an instrument before sample analysis is initiated, as required by Section 186.155 of this Part.

"Initial calibration verification check standard" means a solution of an analyte or mixture of analytes of known purity in an appropriate solvent used to perform the initial calibration verification check.

"Initial demonstration of method performance (IDMP) study" means the procedures performed by an analyst that insure that the analyst does not analyze unknown samples via a new or unfamiliar method prior to obtaining experience as described in Section 186.160 of this Part.

"Inorganic" means all parameters not included in organic parameters.

"Laboratory" means a facility that is equipped and used for the testing of samples for the fields of testing described in Section 186.180 of this Part and the approved test methods specified in Section 186.180 of this Part. A laboratory with a main facility and an annex in the same city as the main facility and within 5 miles of

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the main facility may be considered one laboratory.

"Laboratory control sample" means an uncontaminated sample matrix with known quantities of analytes. The analytes shall be obtained from a second source. The laboratory control sample is analyzed exactly like a sample to determine whether the measurement system is performing as expected using the evaluation procedures described in Section 186.160 of this Part and to determine whether the laboratory is capable of making accurate and unbiased measurements.

"Least precise step" means the part of the analytical procedure that results in the greatest error in measurement.

"Linear calibration range" means linear dynamic range.

"Linear dynamic range" means the range of concentrations over which the analytical system exhibits a linear relationship between the amount of material introduced into the instrument and the instrument's response.

"Litigation sample" means a sample, knowingly analyzed by the laboratory, for possible legal action.

"Major remodeling" means any remodeling of the laboratory facility that requires the acquisition of a local building permit.

"Matrix" means the predominant material of which the sample to be analyzed is composed. Sample matrices are:

"Aqueous" means any aqueous sample other than drinking water, potable water, or saline or estuarine waters;

"Drinking water" means water used or intended for use as potable water;

"Non-aqueous liquid" means any organic fluid with <15% settleable solids;

"Saline or estuarine waters" means any aqueous sample from an ocean or estuary.

"Solids" means soils, sediments, sludges and other matrices with >15% settleable solids; or

"Chemical waste" means a product or by-product of an industrial process that results in a matrix not previously defined.

"Matrix spike" means an aliquot of matrix fortified (spiked) with

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known quantities of specific analytes and subjected to the entire analytical procedure in order to determine the effect of the matrix on an approved test method's recovery system.

"Matrix spike duplicate" means a replicate matrix spike that is prepared and analyzed in order to determine the precision of the approved test method.

"Measurement system" means any instruments, gauges, tools, devices, equipment, procedures, methods, or aggregates thereof, used to acquire or control sample data generated pursuant to this Part.

"Method" means a procedure or technique for performing an activity (for example sample preparation and sample analysis).

"Method blank" means a sample which does not contain an analyte of interest above an acceptable level pursuant to Section 186.160 and which is processed simultaneously with and under the same conditions as samples being analyzed for analytes of interest.

"Method detection limit (MDL)" means the minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix type containing the analyte. Unless specified by the approved test method, the method detection limit shall be determined using the procedures specified in Section 186.160 of this Part.

"Megohm-cm" means megohm-centimeter.

"mg" means milligram.

"umhos/cm" means micromhos per centimeter.

"National Environmental Laboratory Accreditation Conference" means a voluntary association of state and federal agencies whose purpose is to establish and promote mutually acceptable performance standards for the operation of environmental laboratories.

"Neat compound" means an undiluted compound.

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

"Nonconformance" means deficiency of a laboratory to meet any requirement of this Part.

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"On-site evaluation" means the physical process of inspecting a laboratory to assess the ability of the laboratory to meet the Agency's conditions for accreditation and to assess the laboratory's conformance with the criteria contained in this Part.

"On-site evaluation deficiency report" means a report generated by the Agency in response to nonconformances noted in the course of a laboratory on-site evaluation.

"Operating condition" means the state of the measurement system when samples are analyzed.

"Organic" means all analytes analyzed by all forms of gas chromatography and high pressure liquid chromatography (excluding ion chromatography).

"Parameter" means an analyte.

"Pattern of peak profile recognition for identification" means a series of chromatographic peaks used to identify multi-component analytes such as the aromatics, petroleum products, toxaphene and technical chlordane. The series of peaks used to identify a multi-component analyte have characteristic sizes, shapes and retention times.

"PE" means performance evaluation.

"Performance evaluation program" means the aggregate of providing rigorously controlled and standardized samples to a laboratory for analysis, reporting of results, statistical evaluation of the results in comparison to peer laboratories and the collective demographics and results summary of all participating laboratories.

"Performance evaluation sample" means a sample prepared and supplied either by the Agency or an Agency approved performance evaluation program, whose composition is unknown to the laboratory management, analyst, analyst-in-training, and technician. The performance evaluation sample is provided to test whether the laboratory can produce analytical results within specified performance limits.

"Performance evaluation testing" means the determination of laboratory performance by means of comparing and evaluating tests on the same or similar items or materials by two or more laboratories in accordance with predetermined conditions.

"Performance evaluation study" means a single testing event within a performance evaluation program.

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"Plan of corrective action" means a report, including specific items addressed and specific dates of completion, generated by a laboratory in response to an Agency issued notification of nonconformance with this Part.

"Precision" means the measure of mutual agreement among individual measurements of a sample, usually under prescribed similar conditions, usually expressed as the standard deviation, variance, or range, in either absolute or relative terms.

"Preliminary performance evaluation report" means a statement prepared by a laboratory which is sent to the USEPA or an Agency approved performance evaluation program which lists the laboratory's results obtained from the analyses of performance evaluation samples and the approved test method used to obtain the results.

"Quality assurance" means an integrated system of activities involving planning, quality control, quality assessment, reporting, and quality improvement to ensure that a product or service meets the requirements of this Part.

"Quality assurance plan (QAP)" means a written description of the laboratory's integrated system of activities involving planning, quality control, quality assessment, reporting and quality improvement to ensure that a product or service meets defined standards of quality with a stated level of confidence.

"Quality control" means the overall system of technical activities whose purpose is to measure and control the quality of a product or service so that it meets the needs of users.

"Quality control acceptance limits" means the statistically determined or approved test method specified limits within which a single measurement, quality control data point, series of measurements or series of quality control data points will fall when the analytical process is producing data of satisfactory quality.

"Quality control chart" means a graphical plot of data points used to demonstrate statistical control and monitor a measurement process. The charts have a vertical scale plotted in units of the analytical results, a horizontal scale in units of time or sequence of results, and lines within which or around which the data points are expected to lie.

"Quality control check sample" means an aliquot of method blank fortified with a solution of the analytes of interest of known concentration obtained from an outside source. The quality control check sample is used to check either laboratory or instrument

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performance.

"Quality control procedures" means the activities used to measure and monitor the accuracy and reliability of an analytical procedure or method.

"Quantitating" means the arithmetic process of determining the amount of analyte in a sample.

"Replicate" means two or more equal aliquots taken from the same sample container and analyzed independently for the same constituent.

"Revocation" means the withdrawal of all or part of a laboratory's accreditation by the Agency.

"Sample" means any solution or media introduced into an analytical instrument on which an analysis is performed excluding calibration standards, initial calibration verification check standards, calibration blanks, and continuing calibration verification check standards.

"Sample tracking" means an unbroken trail of accountability that ensures the physical security of samples, data, and records.

"Sample duplicate" means two equal aliquots taken from the same sample container and analyzed independently for the same constituent.

"Scope of accreditation" means a document issued by the Agency which lists the field-of-testing, approved test methods, and analytes for which the laboratory is accredited.

"Second source" means a different vendor or manufacturer, or different lots from the same vendor or manufacturer.

"Spike concentration" means a specified amount of an analyte of interest in a matrix spike, laboratory control sample, or quality control check sample.

"Stable" means resistant to displacement or change.

"Standard operating procedure (SOP)" means a written, laboratory specific document which details the method of an operation, analysis or action whose techniques and procedures are thoroughly prescribed and which is accepted as the method for performing certain routine or repetitive tasks.

"Statistical outlier test" means a mathematical process for determining that an observation is unusually large or small relative



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to the other values in a data set.

"Surrogate" means an organic compound which is similar to the analytes of interest in chemical composition and behavior in the analytical process, but which is not normally found in environmental samples.

"Suspension" means the temporary removal of all or part of a laboratory's accreditation for a defined period of time. The purpose of suspension is to allow a laboratory time to correct deficiencies or areas of noncompliance with program requirements as defined by this Part.

"Standard Methods" means Standard Methods for the Examination of Water and Wastewater, 18th edition, 1992.

"Test" means a technical operation that consists of the determination of one or more characteristics or performances of a given product, material, equipment, organism, physical phenomenon, process or service according to a specified procedure.

"Traceability" means the property of a result of a measurement whereby it can be related to appropriate standards, usually international or national standards, through an unbroken chain of comparisons.

"True value" means the accepted or actual value of the quantity being measured.

"USEPA" means the United States Environmental Protection Agency.

"USEPA Water Pollution (WP) Performance Evaluation Study" means a performance evaluation program sponsored by the USEPA in which participation may be established by contacting the Illinois Environmental Protection Agency, Bureau of Water, Compliance Assurance, P.O. Box 19276, Springfield, Illinois 62794-9276.

"USEPA Water Supply (WS) Performance Evaluation Study" means a performance evaluation program sponsored by the USEPA in which participation may be established by contacting the Illinois Environmental Protection Agency, Division of Laboratories, Quality Assurance Section, Environmental Laboratory Accreditation Program, P.O. Box 19276, Springfield, Illinois 62794-9276.

"Validation" means confirmation by examination and provision of objective evidence that the particular requirements for a specific intended use are fulfilled. Validation is the process of examining a sample result to determine conformance with users' needs.

"Verification" means confirmation by examination of and provision of

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objective evidence that specified requirements have been fulfilled. Verification is the process of examining a result of a given activity to determine conformance with this Part.

## Section 186.125 Application Process

a) All laboratories accredited or seeking accreditation shall annually submit by certified mail a completed application package in the manner described in this Section.

1) The Agency shall send, no later than 90 days prior to the anniversary date of initial certification, an application package to the accredited laboratories.

2) The Agency shall send, upon request, an application package to those laboratories seeking initial accreditation, acceptance of out-of-state accreditation or reciprocity.

b) All laboratories accredited or seeking accreditation shall annually submit by certified mail appropriate fees as required in Section 17.8 of the Act and 35 Ill. Adm. Code 185.

c) All laboratories accredited or seeking accreditation shall simultaneously submit the application package and the appropriate fees.

1) The Agency shall send written notification to an accredited laboratory that submits the appropriate fees and fails to submit an application package. The Agency will revoke the laboratory's accreditation if the laboratory fails to submit an application package within the 15 days after receipt of its subsection (c)(1) written notification.

2) The Agency shall send written notification to an accredited laboratory that submits an application package and fails to submit the appropriate fees. The Agency will revoke the laboratory's accreditation if the laboratory fails to submit the appropriate fees within the 15 days after receipt of its subsection (c)(2) written notification.

3) The Agency shall send written notification to an accredited laboratory that fails to submit the appropriate fees and fails to submit an application package. If the laboratory fails to submit the appropriate fees and application package within the 15 days after receipt of its subsection (c)(3) written notification, the laboratory's accreditation will expire and the laboratory may reapply for initial accreditation.

4) If a laboratory seeking initial accreditation submits a completed application package but does not submit the appropriate fees by the date indicated by the Agency, the application package will be mailed back to the laboratory with a letter of refusal.

5) If a laboratory seeking initial accreditation submits the appropriate fees but does not submit an application package, the Agency will notify the laboratory in writing within 15 days after receipt of the fees. If the laboratory does not submit the

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d) The application package requests information that is essential for accreditation.

1) The laboratory shall include the following information in its completed application:

- A) purpose of the application (new or a renewal of accreditation);
  - B) the complete laboratory name;
  - C) the laboratory mailing address;
  - D) the telephone number and, if available, electronic mail address and telefacsimile numbers for the laboratory;
  - E) the name of the laboratory owner;
  - F) the name of the laboratory contact person for the accreditation program;
  - G) the name of the laboratory quality assurance officer;
  - H) the laboratory hours of operation;
  - I) the type of laboratory, for example, commercial, federal, public water system;
  - J) the fields-of-testing for which the laboratory is requesting accreditation, pursuant to Section 186.180 of this Part;
  - K) the name, education and experience of the laboratory director, pursuant to Section 186.140 of this Part;
  - L) the name, education and experience of laboratory supervisors, quality assurance officer, analysts, analysts-in-training and technicians, pursuant to Section 186.140 of this Part;
  - M) a list of the approved test methods and analytes for which the laboratory is requesting accreditation, pursuant to Section 186.180(b) of this Part; and
  - N) the laboratory's quality assurance plan, pursuant to Section 186.165 of this Part.
- 2) Laboratories seeking initial accreditation additionally must submit:
- A) the three most recent preliminary and final laboratory performance evaluation (PE) sample results according to Section 186.170 of this Part;
  - B) the most recent method detection limit (MDL) study for each analyte and approved test method for which the laboratory is seeking accreditation, pursuant to Section 186.160 of this Part;
  - C) the most recent, analyst specific initial demonstration of method performance (IDMP) study for each analyte and approved test method for which the laboratory is seeking accreditation, pursuant to Section 186.160 of this Part;
  - D) the most recent linear dynamic range or linear calibration range determination for each analyte and approved test

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method (as applicable) for which the laboratory is seeking accreditation, pursuant to Section 186.160 of this Part.

3) Laboratories that are renewing accreditation may clearly indicate on the application that the information required in subsections (d)(1)(C) through (N) has not changed in lieu of resubmitting the information required in those subsections.

4) Laboratories that are renewing accreditation may be required to submit documentation pursuant to Section 186.190 of this Part, verifying compliance with the requirements of this Part. The Agency will randomly select the documentation required. The documentation required will be selected from, but is not limited to:

- A) initial calibration of instrumentation and equipment pursuant to Section 186.155 of this Part;
  - B) continuing calibration verification (CCV) check standard analyses for instrumentation and equipment pursuant to Section 186.155 of this Part;
  - C) method blank analyses pursuant to Section 186.160 of this Part;
  - D) matrix spike analyses pursuant to Section 186.160 of this Part;
  - E) laboratory control sample analyses pursuant to Section 186.160 of this Part;
  - F) matrix spike duplicate and sample duplicate analyses pursuant to Section 186.160 of this Part;
  - G) surrogate compound analyses pursuant to Section 186.160 of this Part;
  - H) tabulations of quality control sample results pursuant to Section 186.160 of this Part;
  - I) quarterly quality control sample analyses pursuant to the approved test methods and Section 186.160 of this Part;
  - J) analyst specific IDMP study pursuant to Section 186.160 of this Part;
  - K) MDL study pursuant to Section 186.160 of this Part;
  - L) linear dynamic range or linear calibration range determination pursuant to the approved test methods and to Section 186.160 of this Part;
  - M) data from the analyses of PE samples pursuant to Section 186.170 of this Part;
  - N) receipt, use, and traceability of analytical reagents and standards pursuant to Section 186.190 of this Part;
  - O) administrative records pursuant to Section 186.190 of this Part; and
  - P) sample tracking records pursuant to Section 186.190 of this Part.
- 5) The laboratory director shall sign and date the application package, and attest in writing to the validity of the information contained within the application package.

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e) Starting February 1, 1999, the Agency will review, within 30 days after receipt of the application package submitted by a laboratory, the application package and respond in writing to the laboratory.

1) The Agency will not approve the application package if it notes deficiencies. The Agency will send a deficiency report to the laboratory listing the areas of nonconformance and require corrective actions or allow the laboratory to withdraw all or part of its accreditation request.

A) The laboratory shall respond with written corrective actions within 30 days after receipt of the Agency's subsection (e)(1) notification. The Agency will review the written corrective actions within 15 days after receipt of the laboratory's response.

B) If the subsection (e)(1)(A) written corrective actions submitted by the laboratory do not meet the requirements of this Part, the Agency will notify the laboratory that it must submit additional written corrective actions within 15 days after the laboratory's receipt of notification pursuant to this subsection (e)(1)(B). The Agency will review the laboratory's additional written corrective actions within 15 days after the Agency's receipt of the laboratory's response.

C) If the additional written corrective actions submitted by the laboratory pursuant to subsection (e)(1)(B) do not meet the requirements of this Part, the Agency will reject the application package.

D) If the Agency rejects the application package:

- i) a laboratory seeking initial accreditation is denied accreditation; and
- ii) an accredited laboratory's accreditation is revoked.

2) The Agency will approve an application package that contains all of the required information. After approval of the application package, the Agency will schedule an on-site evaluation pursuant to Section 186.135 of this Part.

## Section 186.130 Accreditation Procedures and References to Accreditation

a) Accreditation is valid for one year. Accredited laboratories may renew accreditation on an annual basis provided applicable annual fees are paid, the annual application package is submitted and all applicable provisions of this Part are met.

1) Accreditation is based on the field of testing, the approved test method and the analyte according to Section 186.180 of this Part.

2) The requirements of this Part are applicable to all laboratories that are accredited or are seeking accreditation regardless of their size, volume of business, or field of testing.

3) There shall be no lapse in the accreditation if, by the anniversary date of the initial certification as set forth in 35

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Ill. Adm. Code 185, the Agency is in receipt of the laboratory's application package or applicable fees. Submission and receipt of the laboratory's application package or applicable fees initiates the renewal of accreditation.

4) Accreditation remains in effect until:

A) suspended or revoked by the Agency according to Section 186.210 of this Part or Section 186.215 of this Part;

B) discontinued at the written request of the accredited laboratory; or

C) expiration of accreditation date.

5) An accredited laboratory may make a written request to add fields of testing, approved test methods and analytes to its scope of accreditation. The Agency will:

A) not conduct an on-site evaluation if the competence of the laboratory to perform the additional fields of testing, approved test methods or analytes can be verified; or

B) conduct an on-site evaluation if the additional fields of testing, approved test methods or analytes require the use of a chemical process, an analytical process, instrument, or piece of equipment that the laboratory has not been previously accredited to use.

6) The Agency will complete an initial on-site evaluation of a laboratory. After initial accreditation of a laboratory, the Agency will complete subsequent, routine on-site evaluations on a biennial basis.

7) The Agency will accredit as one laboratory a laboratory with a main facility and an annex in the same city as the main facility and within 5 miles of the main facility.

8) Out-of-state laboratories requesting accreditation from the Agency shall meet the applicable requirements outlined in Section 186.200 of this Part or Section 186.205 of this Part.

b) The laboratory shall:

1) provide information annually on laboratory facilities, personnel, methodology, instrumentation, data handling, and the laboratory's quality assurance program by completing and filing a completed application package with the Agency pursuant to Section 186.125 of this Part;

2) pay all fees associated with seeking or renewing accreditation according to Section 17.8 of the Act and 35 Ill. Adm. Code 185;

3) meet personnel requirements specified in Section 186.140 of this Part;

4) meet equipment and materials requirements specified in Section 186.145 of this Part;

5) meet laboratory facility requirements specified in Section 186.150 of this Part;

6) calibrate equipment as specified in Section 186.155 of this Part;

7) perform quality control procedures and submit a quality assurance plan as specified in Section 186.160 of this Part and Section



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- 186.165 of this Part;
- 8) analyze and submit data for all PE samples according to Section 186.170 of this Part;
  - 9) utilize approved test methods as specified in Section 186.180 of this Part and contained in the documents incorporated by reference in Section 186.115 of this Part;
  - 10) meet sample handling procedures as specified in Section 186.195 of this Part;
  - 11) maintain records, track samples, report data and perform corrective actions as specified in Section 186.190 of this Part;
  - 12) cooperate with identified Agency accreditation officers during on-site evaluations by facilitating:
    - A) examination of required records,
    - B) access to all testing areas,
    - C) access to personnel, and
    - D) clear communication with laboratory personnel;
  - 13) correct deficiencies identified during the on-site evaluation within the deadlines established in Section 186.135 of this Part;
  - 14) subcontract analytical work to laboratories by following procedures in Section 186.195 of this Part;
  - 15) perform all accredited environmental analyses in accordance with this Part;
  - 16) adjust its procedures in response to amendments by the Agency or US EPA in the criteria, requirements, or conditions for accreditation; and
  - 17) upon demand by the Agency, submit documentation maintained pursuant to Section 186.190 of this Part, verifying compliance with the requirements of this Part.
- c) The Agency will approve, renew or deny an accreditation request based on its evaluation of the laboratory's ability to meet the requirements outlined in subsection (b). The Agency will:
- 1) approve a laboratory's accreditation request;
  - 2) renew a laboratory's accreditation;
  - 3) deny a laboratory's accreditation request in the form of a narrative and may give information as to how deficiencies may be corrected; or
  - 4) allow a laboratory to withdraw its accreditation request in whole or in part.
- d) Laboratories shall represent their accreditation status and utilize certificates of approval, scopes of accreditation, and the Agency's name only as described in this subsection (d).
- 1) The Agency will issue certificates of approval and may issue scopes of accreditation. These documents may include the following items:
- A) the name and address of the laboratory;
  - B) the fields of testing for which the laboratory is accredited;
  - C) the analytes for which the laboratory is accredited;

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- D) the approved test methods including the date of the version or revision number for which the laboratory is accredited;
  - E) the date of the laboratory's most recent on-site evaluation;
  - F) the expiration date of the laboratory's accreditation;
  - G) the signature of an Agency accreditation officer;
  - H) the signature of the Agency's Division of Laboratories' manager;
  - I) the signature of the Director;
  - J) reference to this Part;
  - K) a statement that continued accreditation depends on successful, ongoing participation in the program;
  - L) a statement that urges a customer to contact the Agency to verify the laboratory's current accreditation status;
  - M) a formal statement recognizing the laboratory's competence and compliance with the requirements of this Part;
  - N) the insignia of the National Environmental Laboratory Accreditation Conference;
  - O) the Agency's logo;
  - P) a unique laboratory identification code; and
  - Q) the statement, "Accreditation by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated."
- 2) The Agency will issue a certificate of approval to laboratories accredited pursuant to Section 186.200 of this Part or Section 186.205 of this Part that includes the following items:
- A) the information stated in subsections (d)(1)(A), (B), (C), (D), (F), (G), (H), (I), (N), (O), (P) and (Q);
  - B) a reference that accreditation is issued pursuant to Section 186.200 of this Part or Section 186.205 of this Part, as applicable.
    - i) For accreditations issued pursuant to Section 186.200 of this Part, the certificate of approval shall contain a statement that continued accreditation by the Agency under this Part depends on successful ongoing participation in the home state's program.
    - ii) For accreditation issued pursuant to Section 186.205 of this Part, the certificate of approval shall contain a statement that continued accreditation by the Agency under this Part depends on successful ongoing participation in the applicable state or federal accreditation program; and
  - C) a statement that urges a customer to contact the laboratory's applicable accrediting authority to verify the laboratory's current accreditation status and scope of accreditation.
- 3) Laboratories shall post or display their most recent certificate of approval and scope of accreditation in a prominent place in the laboratory facility.

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- 4) The Agency will issue a new certificate of approval and scope of accreditation if there is a change in the laboratory's accreditation status.
- 5) Laboratories shall not make any statements concerning their accreditations or accreditation status that are misleading or unauthorized.
- 6) Laboratories shall not use their certificates of approval or accreditation status to imply endorsement by the Agency.
- 7) If a laboratory uses the Agency name or makes reference to its accreditation status in any advertising, business solicitation, proposal, or quotation, the laboratory shall:
  - A) prominently include the statement that, "Accreditation by the State of Illinois is not an endorsement or a guarantee of the validity of the data generated.";
  - B) distinguish between proposed testing for which the laboratory is accredited and proposed testing for which the laboratory is not accredited;
  - C) include the laboratory's unique identification code; and
  - D) include a statement that urges customers to verify the laboratory's accreditation status or scope of accreditation by contacting the Agency or the applicable accrediting authority.
- 8) Upon voluntary surrender, revocation, withdrawal or expiration of their accreditations, laboratories shall:
  - A) discontinue use of all advertising matter that contains reference to their accreditation status; and
  - B) return any certificates of approval or scopes of accreditation to the Agency.
- 9) Laboratories shall not use the Agency logo in any manner.
- 10) The laboratory shall accompany the Agency's name with at least the word "accredited" and the laboratory's unique identification code when the Agency's name is used on general literature such as letterheads and business cards.
- 11) The Agency will take suitable actions which could include legal action when incorrect references to the Agency or misleading use of the laboratory's accreditation status is found in advertisements, catalogs or other materials.
- e) Laboratories shall notify the Agency in writing within 30 days after a change of ownership, legal status, laboratory director, quality assurance officer, supervisor, analyst, major instrument type as listed in Section 186.140(g) of this Part, major remodeling of a laboratory, or relocation of the physical facility.
  - 1) Laboratories shall provide the Agency with:
    - A) the identity of any new owners;
    - B) the qualifications of any new directors, supervisors, quality assurance officers and analysts;
    - C) a description of any relocation or remodeling of the physical facility; and

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- D) in the event of a change in instrument type, the quality control measurement data according to Section 186.125 of this Part when submitting the written notification required in this subsection (e).
- 2) In the event of a change in laboratory personnel, the Agency:
  - A) will review the qualifications of any new director, supervisor, quality assurance officer or analyst;
  - B) will require the generation of IMP data by any new analyst and submittal of the resultant data to the Agency by the laboratory; and
  - C) may require the analysis of PE samples and submittal of the resultant data to the Agency by the laboratory.
- 3) The Agency may, in the event of laboratory relocation or remodeling:
  - A) require reaccreditation or reapplication in any or all of the fields of testing in which the laboratory is currently accredited; and
  - B) conduct an on-site evaluation to verify effects of such a change on laboratory performance.
- 4) Transfer of Accreditation
  - A) Accreditation shall be transferable when the following conditions are in effect:
    - i) the previous (transferring) owner must agree in writing, before the transfer of ownership takes place, to be accountable and liable for any analyses, data and reports generated up to the time of legal transfer of ownership; and
    - ii) the buyer (transferee) must agree in writing to be accountable and liable for any analyses, data and reports generated after the legal transfer of ownership occurs.
  - B) All records and analyses performed pertaining to accreditation must be kept as specified in Section 186.190(k) of this Part and are subject to inspection by the Agency during this period without prior notification to the laboratory. This stipulation is applicable regardless of change in ownership, accountability or liability.
  - C) If ownership is transferred, the transferee will not be responsible for payment of fees to the Agency during the remainder of the yearly period, provided that the previous owner has fully paid the required fees to the Agency.
  - D) Transfer of accreditation pursuant to subsection (e)(4) shall not alter the laboratory's accreditation status.
  - E) The laboratory shall submit a copy of the agreement pursuant to subsection (e)(4) to the Agency prior to transfer of ownership.
- f) Agency accreditation officers have authority to:
  - 1) conduct on-site evaluations;

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- 2) On-site evaluations may include observing the analysis of PE samples, and photocopying of documentation relating to the laboratory's accreditation.
- 3) Upon written consent by the Agency and laboratory, the Agency or laboratory may audiotape, videotape or film laboratory activities relating to the laboratory's accreditation.
- c) The Agency will attempt to conduct an on-site evaluation of an applicant laboratory within four months after approval of an application package.
  - 1) The Agency shall contact the applicant laboratory within 15 days after approval of an application package to schedule the on-site evaluation.
  - 2) If the evaluation is not conducted within four months due to delays posed by the applicant laboratory, the Agency shall deny accreditation. Delays caused by the applicant laboratory include, but are not limited to:
    - A) unavailability of laboratory personnel for the scheduled on-site evaluation, or
    - B) denial of entry into the laboratory.
  - 3) The laboratory may reapply for accreditation as specified in Section 186.130 of this Part.
- d) The purpose of the on-site evaluation is to verify compliance with the requirements of this Part including:
  - 1) accuracy of application information;
  - 2) laboratory's quality assurance/quality control procedures;
  - 3) use of approved test methods;
  - 4) laboratory facilities and equipment;
  - 5) data handling, record keeping, and reporting procedures;
  - 6) sample collection, receipt, tracking, and storage procedures;
  - 7) qualification and experience of laboratory management and personnel;
  - 8) laboratory waste disposal procedures; and
  - 9) quantity, condition, and performance of laboratory instrumentation.
- e) The Agency will send to the laboratory an on-site evaluation deficiency report within 30 days after completion of the on-site evaluation. This report will include the specific deficiencies noted during the Agency's on-site evaluation of the laboratory and require corrective actions.
  - 1) If the Agency does not include any deficiencies, the laboratory shall be accredited.
  - 2) If during the on-site evaluation, the accreditation officer determines that the laboratory had falsified the information included in its application package, the Agency shall revoke or deny the laboratory accreditation.
- f) The laboratory shall submit a plan of corrective action to the Agency within 30 days after the receipt of the on-site evaluation deficiency report.

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- 2) audit and review any records or documentation as required to verify compliance with the requirements for accreditation and the requirements of this Part;
  - 3) require the laboratory to provide information regarding the laboratory's technical operation relevant to accreditation;
  - 4) observe and question analysts at work on approved test methods for which accreditation is sought;
  - 5) recommend the granting, denial, suspension or revocation of accreditation based upon:
    - A) the completion of the accreditation process; or
    - B) evaluation of the laboratory's ability to meet all requirements of this Part; and
  - 6) require or make subsequent, unannounced on-site evaluations during regular working hours.
  - g) Annually, the Agency will publish and distribute a list of accredited laboratories.
  - 1) The publication shall specify fields of testing and approved test methods for which the laboratories are accredited.
  - 2) The Agency will make the publication available to all requesters and distribute it to all accredited laboratories.
  - h) The Agency will report to the national laboratory accreditation database, managed by the USEPA, any information related to the requirements outlined in subsection (b).
- Section 186.135 On-Site Evaluations**
- The Agency will conduct routine on-site evaluations of a laboratory at least once every two years.
- a) Prior to accrediting a laboratory, the Agency or its designee will perform an initial on-site evaluation of the laboratory. The Agency or its designee will arrange the initial on-site evaluation at the mutual convenience of the parties.
  - b) The Agency may make subsequent on-site evaluations, announced or unannounced, to a laboratory whenever such an evaluation is necessary to determine the extent of the laboratory's compliance with the conditions of the laboratory's accreditation and the requirements of this Part.
    - 1) Situations that warrant subsequent on-site evaluations include, but are not limited to:
      - A) a major laboratory change as specified in Section 186.130 of this Part;
      - B) the laboratory's failure to acceptably analyze a PE sample;
      - C) discrepancies with PE sample results;
      - D) complaints from the public;
      - E) requests from Agency personnel;
      - F) past on-site deficiencies;
      - G) errors in reporting data to the Agency; or
      - H) suspicion of fraud or falsification of data.



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- 1) The plan of corrective action must detail those specific actions taken by the laboratory to correct all deficiencies noted by the inspecting accreditation officer during the on-site evaluation.
  - A) The plan of corrective action shall clearly indicate those corrective actions that have been implemented, the date implemented, and the documentation substantiating implementation.
  - B) The plan of corrective action shall clearly indicate those corrective actions which have not been implemented and a projected date by which the corrective actions will be implemented, and the date documentation substantiating implementation will be submitted to the Agency.
- 2) The laboratory shall implement the corrective actions within 60 days after receipt of the on-site evaluation deficiency report.
- 3) The Agency may extend this period of implementing corrective actions for a maximum of 30 days upon receipt of the laboratory's written petition and plan of corrective action. The Agency shall determine whether the laboratory's petition warrants an extension based upon whether the need for the extension is to facilitate:
  - A) the purchase of a new instrument;
  - B) revision of a standard operating procedure or quality assurance plan;
  - C) replacement of significant laboratory personnel;
  - D) repeating the MDL study; or
  - E) repeating the IDMP studies.
 The Agency shall consider other reasons submitted by the laboratory in which the laboratory demonstrates that corrective actions cannot be implemented within 60 days after receipt of the on-site evaluation deficiency report.
- 4) The Agency shall deny or revoke the accreditation of any laboratory that fails to submit a plan of corrective action. The laboratory may reapply for accreditation as specified in Section 186.130 of this Part.
- g) The Agency shall review the plan of corrective action and respond in writing to the laboratory within 15 days after receipt of the plan of corrective action from the laboratory.
  - 1) If the laboratory corrects all deficiencies and contain documentation substantiating that each deficiency has been addressed, the Agency shall accredit the laboratory.
  - 2) If the laboratory's plan of corrective action does not address all deficiencies and contain documentation substantiating that each deficiency has been addressed, the Agency will notify the laboratory by certified mail that it must submit a second plan of corrective action for the remaining deficiencies within 15 days after its receipt of this notification.
  - 3) The Agency shall deny or revoke the accreditation of any laboratory that fails to submit a second plan of corrective action by the date established by the Agency in the subsection

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- (g)(2) notice.
    - h) The Agency shall review the second plan of corrective action within 15 days after receipt of the second plan of corrective action from the laboratory.
      - 1) If the laboratory corrects all remaining deficiencies, the Agency shall accredit the laboratory.
      - 2) If all deficiencies are not corrected and documentation substantiating implementation is not submitted to the Agency, pursuant to subsections (f)(1)(A) and (B), and the remaining deficiencies affect certain approved test methods and analytes, the Agency shall deny or revoke accreditation for those approved test methods and analytes.
      - 3) If all deficiencies are not corrected and documentation substantiating implementation is not submitted to the Agency, pursuant to subsections (f)(1)(A) and (B), and the remaining deficiencies affect the entire laboratory, the Agency shall deny or revoke the entire accreditation.
      - i) Laboratories that are located outside of the State of Illinois and who seek accreditation pursuant to this Part that are not subject to the provisions of Section 186.205 of this Part or Section 186.200 of this Part shall pay for all travel costs related to accreditation.
- Section 186.140 Personnel Requirements**
- a) The laboratory owner shall designate at least one individual as laboratory director. The laboratory director shall:
    - 1) hold a minimum of a bachelor's degree in natural or physical sciences or have completed enough course work in chemistry to equal a minor in chemistry;
    - 2) have had a minimum of two years experience managing a laboratory;
    - 3) be either an employee or a consultant of the laboratory; and
    - 4) be responsible for:
      - A) analytical and operational activities of the laboratory;
      - B) supervision of personnel employed by the laboratory;
      - C) assuring that sample acceptance criteria are met, that samples are logged into the sample tracking system, that samples are properly labeled and that samples are properly stored;
      - D) the production and quality of data reported by the laboratory;
      - E) designating laboratory supervisors; and
      - F) designating at least one individual as the quality assurance officer.
  - b) The laboratory owner or director shall designate at least one individual as laboratory supervisor. The laboratory supervisor shall:
    - 1) hold a minimum of a bachelor's degree in natural or physical sciences or have completed enough course work in chemistry to equal a major in chemistry;

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- 2) have had a minimum of one year of experience in the analyses pertaining to the applicable fields of testing;
- 3) be an employee of the Laboratory; and
- 4) be responsible for:
  - A) supervising analysts, analysts-in-training and technicians in the area of analytical responsibility;
  - B) reviewing and verifying data produced by an analyst-in-training; and
  - C) reviewing and verifying data produced by a technician.
- c) The laboratory owner may designate a laboratory supervisor as laboratory director. The laboratory director/supervisor must fulfill the requirements of subsections (a)(2) and (4) and (b).
- d) The laboratory director shall designate at least one individual as the quality assurance officer. The quality assurance officer shall:
  - 1) hold a bachelor's degree in natural or physical sciences or have completed enough course work in chemistry to equal a major in chemistry;
  - 2) have a minimum of one year experience as an analyst in a laboratory and have documented training in quality assurance and quality control (QA/QC);
  - 3) where applicable, have functions independent from laboratory operations;
  - 4) have a general knowledge of the analytical methods for which data review is performed;
  - 5) be an employee of the laboratory; and
  - 6) be responsible for:
    - A) coordinating QA/QC procedures and analytical data review procedures in the laboratory;
    - B) verifying that the requirements in Section 186.160 of this Part are met; and
    - C) conducting internal audits of the entire laboratory operation annually.
- e) The laboratory director or supervisors shall designate the analysts. Analysts shall:
  - 1) hold a bachelor's degree in natural or physical sciences or have completed enough course work in chemistry to equal a major in chemistry;
  - 2) have had a minimum of one year experience in the analyses pertaining to the applicable fields of testing for which the laboratory is seeking accreditation;
  - 3) for those instruments listed in subsection (g) below:
    - A) either:
      - i) have satisfactorily completed a minimum of four hours training that is offered by the equipment manufacturer, a professional organization, a university or another qualified training facility; or
      - ii) served a two-week period of apprenticeship under an experienced analyst; and

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- B) have on file documentation indicating acceptable performance on a blind sample at least once per year and a certification that the analyst has read, understood and agreed to perform the most recent version of the method, the approved method or standard operating procedure. Such documentation shall demonstrate that the required training is up-to-date;
- 4) after appropriate training pursuant to subsection (e)(3), perform the IDWP study, as specified in Section 186.160 of this Part;
- 5) be an employee of the laboratory, contract employee or contracted temporary agency staff; and
- 6) be responsible for reviewing and verifying data produced by analysts-in-training or technicians when a laboratory supervisor does not review and verify the data.
- f) The laboratory directors or supervisors may designate individuals as analysts-in-training. Analysts-in-training must at least meet the requirements in subsection (h) and must be in the process of meeting the requirements of subsection (e). A laboratory supervisor or analyst shall review and verify all data produced by analysts-in-training.
- g) Analyses performed utilizing Atomic Absorption (AA), Ion Chromatograph (IC), Gas Chromatograph (GC), Gas Chromatograph/Mass Spectrometer (GC-MS), Inductively Coupled Plasma (ICP), Inductively Coupled Plasma Mass Spectrometer (ICP-MS), Direct Current Plasma Spectrometer (DCP), Liquid Chromatograph Mass Spectrometer (LC-MS), High Pressure Liquid Chromatograph (HPLC), or Transmission Electron Microscope (TEM) are only acceptable for the purposes of this Part when performed by a laboratory employee who meets the requirements in subsection (e) or (f) above.
- h) A technician is a person who holds a minimum of a high school diploma or its equivalent. A technician must:
  - 1) either:
    - A) have satisfactorily completed a minimum of four hours training that is offered by the equipment manufacturer, a professional organization, a university or qualified training facility; or
    - B) served a two-week period of apprenticeship under an experienced analyst or technician;
  - 2) after appropriate training pursuant to subsection (h)(1), perform the IDWP study, as specified in Section 186.160 of this Part; and
  - 3) have on file documentation indicating acceptable performance on a blind sample at least once per year and a certification that the technician has read, understood and agreed to perform the most recent version of the method, the approved method or standard operating procedure. Such documentation shall demonstrate that the required training is up-to-date.
- i) A person may be allowed to serve in any capacity as defined in subsections (a) through (h) when the person does not meet the training, educational or experience requirements for the position.

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The laboratory shall submit written justification to the Agency explaining why a laboratory director, laboratory supervisor, quality assurance officer, analyst, analyst-in-training, or technician should serve in that position. The written justification shall take into account the following factors:

- 1) either:
  - A) experience as an offset for educational requirements (such as, one year of experience performing the applicable duties equals one year of education);
  - B) education as an offset for experience requirements (such as, one year of applicable education beyond a bachelor's degree equals one year of experience);
  - C) for the quality assurance officer, have six month's experience in quality assurance and quality control procedures and be knowledgeable in the quality systems as defined under this Part as an offset for the training requirements specified in subsection (d)(2); or
  - D) for analysts and technicians, have six months laboratory experience as offset for the training and apprenticeship requirements set forth in subsections (e)(3)(A) and (B), (h)(1) and (h)(2). Laboratory experience must be in the analytical technique for which the offset is requested.
- 2) for analysts and technicians, demonstration of ability to properly perform representative test procedures.

**Section 186.145 Laboratory Equipment and Materials**

Laboratories shall meet the following equipment and maintenance requirements. Any item of equipment which has been subjected to overloading or mishandling, or which gives questionable results, or has been shown by verification or otherwise to be defective, shall be taken out of service, clearly identified and wherever possible stored at a specific place until it has been repaired and shown by calibration, verification or test to perform satisfactorily. The laboratory shall examine the effect of this defect on previous calibrations or tests. The laboratory shall maintain documentation of all maintenance, calibration and instrument operation activities.

- a) The laboratory shall have, on-site, all equipment specified by the approved test methods for which accreditation is sought.
  - b) The laboratory shall have, on-site, the following equipment if the equipment is applicable to the laboratory's accreditation:
    - 1) ASTM type 1 or 2 certified weights to calibrate balances. The laboratory shall ensure that the weights are recertified at least once every five years.
    - 2) analytical balances that provide a sensitivity of at least 0.1 mg.
- A) The laboratory shall place the balances on a stable base;
  - B) The laboratory shall check each analytical and pan balance at least monthly with a minimum of two ASTM type 1 or 2

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weights covering the effective range of the balance's use; and

C) A current service contract shall be in effect on all analytical balances.

- i) The balances shall be serviced and calibrated at least annually by a qualified service representative.
  - ii) The laboratory shall retain a certificate supplied by the authorized service representative which identifies traceability of the calibration to the NIST standards.
- 3) a pH meter having the accuracy of at least  $\pm 0.1$  pH units and a scale readability of at least 0.1 pH units.
    - A) The laboratory shall utilize either a thermometer or a sensor for temperature measurement to make correction for pH measurement. If available, the laboratory may use an automatic compensation device to correct pH measurements according to the current temperature; and
    - B) Laboratory personnel shall calibrate the pH meter before each use, with a minimum of two standardization buffers in an appropriate pH range.
  - 4) a conductivity meter with an error not exceeding 1% or one umhos/cm whichever is greater.
    - A) Laboratory personnel shall calibrate the conductivity meter before each use; and
    - B) Laboratory personnel shall calibrate the conductivity meter with a standard that reflects the sample conductivity.
  - 5) a certified NIST-traceable thermometer with 1°C or finer subdivisions and a range which spans the various requirements of the analytical methods.
    - A) The laboratory shall ensure that the NIST-traceable thermometer is recalibrated at least once every five years.
    - B) The laboratory shall retain a certificate identifying traceability of the calibration to the NIST standards.
  - 6) refrigeration units and freezers.
    - A) The laboratory shall identify each refrigerator or freezer in a way that establishes its use and distinguishes it from other refrigerators or freezers in the laboratory.
    - B) The laboratory shall maintain one thermometer per refrigerator or freezer.
      - i) The thermometers shall be graduated in increments no larger than 1°C; and
      - ii) The laboratory shall identify each thermometer in a way that establishes its use and distinguishes it from other thermometers in the laboratory.
  - C) Samples which require thermal preservation shall be stored under refrigeration which is  $\pm 2^\circ\text{C}$  of the specified preservation temperature unless method specific criteria exist. For samples with a specified storage temperature of  $4^\circ\text{C}$ , storage at a temperature of  $0.1^\circ$  to  $6^\circ\text{C}$  shall be



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acceptable.

- D) Laboratory personnel shall monitor and document thermometer readings each day the laboratory is in operation.
- E) The laboratory shall maintain documentation that includes the thermometer identification, refrigerator or freezer identification, date, temperature, initials of the responsible person, the expected temperature and acceptance range criteria.
- 7) sufficient ovens to comply with the approved test methods.
- A) The laboratory shall identify each oven in a way that establishes its use and distinguishes it from other ovens in the laboratory.
- B) The laboratory shall maintain one thermometer for use with each oven.
- i) The thermometer shall be graduated in increments no larger than 10°C.
- ii) The laboratory shall identify each thermometer in a way that establishes its use and distinguishes it from other thermometers in the laboratory, such as serial number.
- C) Laboratory personnel shall monitor each oven's temperature each day of use.
- D) Laboratory personnel shall maintain documentation of the monitoring that shall include the thermometer identification, oven identification, date, temperature, initials of the responsible person and temperature range required by the approved test method.
- 8) sufficient incubators to comply with the approved test methods.
- A) The laboratory shall identify each incubator in a way that establishes its use and distinguishes it from other incubators in the laboratory.
- B) The laboratory shall maintain one thermometer for use with each incubator.
- i) the thermometer shall be graduated in increments no larger than 1°C.
- ii) The laboratory shall identify each thermometer in a way that establishes its use and distinguishes it from other thermometers in the laboratory, such as serial number.
- C) Laboratory personnel shall monitor each incubator's temperature each day of use.
- D) Laboratory personnel shall maintain documentation of the monitoring that shall include the thermometer identification, incubator identification, date, temperature, initials of the responsible person and temperature range required by the approved test method for which accreditation is sought.
- c) Laboratories utilizing microwave digestion shall check, at least

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annually and after repairs, the wattage available for heating. The laboratory shall follow the procedures in EPA No. 600/8-91/213.

d) The laboratory shall check the calibration of working liquid-in-glass and digital thermometers on an annual basis against the NIST-traceable thermometer.

- 1) The comparison shall be made at the temperature at which the thermometer will be used.
- 2) The laboratory shall determine and employ calibration factors based on the temperature comparisons of the thermometers against the NIST-traceable thermometer.
- e) The laboratory shall check the calibration of metal and continuously monitoring thermometers at least quarterly against the NIST-traceable thermometer.
- 1) The comparison shall be made at the temperature at which the thermometer will be used.
- 2) The laboratory shall determine and employ calibration factors based on the temperature comparisons of the thermometers against the NIST-traceable thermometer.
- f) The laboratory shall monitor and control method specific temperature requirements for incubators, heating blocks and water baths. The laboratory shall maintain documentation of the results.
- g) The laboratory shall only use autopipetors and dilutors of sufficient sensitivity for the application and shall check delivery volumes gravimetrically on an annual basis.
- h) Laboratory personnel shall calibrate turbidimeters on a daily basis or before each use, whichever is less frequent, pursuant to section 5.2.1 of "Manual for the Certification of Laboratories Analyzing Drinking Water".
- i) The laboratory shall have readily available sources of distilled water or deionized water.
- 1) The laboratory shall utilize a conductivity meter and shall check the conductivity of distilled and deionized water at least once per day of use.
- A) Laboratories utilizing an in-line conductivity meter for daily checks shall also utilize a calibrated conductivity meter which is external to the water system to check the conductivity of distilled and deionized water at least once a month from a frequently used access point; or
- B) Laboratories utilizing a conductivity meter which is external to the water system for daily checks shall collect the water from a frequently used access point.
- 2) The distilled and deionized water shall have resistivity values of at least 0.5 megohm-cm (conductivity less than 2.0 umhos/cm) at 25°C.
- j) If color wheels or sealed ampules are used as visual comparison devices for determining free chlorine residual, the laboratory shall calibrate at least every six months the standards incorporated into the devices.

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- 1) The laboratory shall refer to Standard Methods, Method 4500-Cl for directions on preparing temporary and permanent type visual standards.
- 2) The laboratory shall determine a correction factor by comparing the standards and plotting the comparison on graph paper.
- 3) The laboratory shall apply the correction factor to future results obtained on the now calibrated apparatus.
- k) The laboratory shall utilize analytical standards that are traceable to a national standard when available. The laboratory shall document the traceability to a national standard as specified in Section 186.190 of this Part.
- 1) The laboratory shall utilize analytical reagents of reagent grade (AR) or better. The laboratory shall document the date received, date opened and any applicable expiration date according to Section 186.190 of this Part.
- m) All glassware used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be ASTM class A.

**Section 186.150 Laboratory Facilities**

The laboratory facilities shall be maintained to permit the production of analytical data that meets the data quality objectives of the applicable environmental regulation.

- a) The laboratory shall provide adequate work spaces to ensure an unencumbered work area for performing the approved test methods.
- b) The laboratory shall be designed, operated and arranged so that incompatible analyses are separated and the potential for sample contamination is minimized.
- c) The laboratory shall have at least one exhaust hood for organic analyses and one for trace metal analyses if applicable.
- d) Where safety practices are included as part of an approved test method, the practices shall be strictly followed. While more specific safety criteria are not an aspect of this accreditation program, laboratory personnel should apply general and customary safety practices as a part of good laboratory procedures.

**Section 186.155 Calibration**

- a) The laboratory shall perform an initial calibration of all instrumentation and equipment as specified in the approved test method. The laboratory shall use calibration standards traceable to national standards, where available.
- b) If the approved test method specifies the generation of an initial calibration curve but does not specify the appropriate number of standards for use in the initial calibration curve, the laboratory shall establish the appropriate number of standards for use in the initial calibration curve using the following procedure:

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- 1) Determine a percent relative standard deviation (%RSD) of:
  - A) the analyses of a minimum of seven replicate measurements of a standard with a concentration at one to three times the MDL; or
  - B) the response factors (internal standard calibration) or calibration factors (external standard calibration) of at least three standards having concentrations that cover the expected calibration range.
- 2) Determine the minimum number of calibration standards to be used in the initial calibration curve by correlating the %RSD determined in subsection (b)(1) with the number of required calibration standards. The %RSD and correlating number of calibration standards are:

%RSD	Number of Calibration Standards
0 - <2	1**
2 - <10	3
10 - <25	5
>25	7

\*\*Assumes linearity through the origin (0,0). For analytes for which there is no origin (such as pH), a two point calibration curve shall be used.

- 3) The number of calibration standards as determined from the table in subsection (b)(2) and a blank shall be used to generate the initial calibration curve of the approved test method.
- 4) If the calibration curve generated pursuant to subsection (b)(3) is not linear as defined in subsection (e)(4) and the approved test method allows for the use of non-linear calibration curves, additional calibration standards shall be used to define the calibration.
- c) If the approved test method specifies the generation and use of a calibration curve, all sample results shall be reported from sample analyses within the range of the calibration curve, except when the approved test method specifically allows otherwise (for example ICP analyses above the highest calibration standard concentration but within the linear dynamic range as established by the laboratory pursuant to the applicable approved test method).
- d) When the laboratory utilizes a single point calibration and the sample results will be used in a decision related to the determination of a non-occurrence of an analyte or a non-detect at the MDL of an analyte and the approved test method does not specify the concentration of the lowest calibration standard:
  - 1) the concentration of the lowest calibration standard shall be at one to 15 times the MDL; or
  - 2) the laboratory shall, at the initiation of sample analyses, analyze a calibration verification check standard at one to 15

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times the MDL. The laboratory shall determine the acceptability of the analysis of the calibration verification check standard by:

- A) utilizing the CCV check standards' acceptance criteria specified in the approved test method; or
- B) if the approved test method does not specify a CCV acceptance criteria, the results of the calibration verification check standard analysis shall be within 15% of the true value or within the 95% confidence interval determined from a minimum of 20 analyses of the calibration verification check standards.

e) The laboratory shall subject all initial calibration curves to a calibration linearity test.

- 1) The calibration linearity shall be determined by:
  - A) a linear regression analyses of the calibration curve;
  - B) determining the  $\%RSD$  of the response factors (internal standard calibration); or
  - C) determining the  $\%RSD$  of the calibration factors (external standard calibration).
- 2) The initial calibration curve is considered linear when:
  - A) the correlation coefficient from the linear regression analyses is 0.995 or greater;
  - B) the  $\%RSD$  of the response factors is 15% or less;
  - C) the  $\%RSD$  of the calibration factors is 30% or less; or
  - D) the correlation coefficient is less than 0.995 if the laboratory can demonstrate that the lower correlation coefficient produces accurate results for that analyte. When making the subsection (e)(2)(D) demonstration, the laboratory shall:
    - i) calculate the correlation coefficient for 20 calibration curves;
    - ii) calculate the mean and standard deviation of the subsection (e)(2)(D)(i) correlation coefficients;
    - iii) calculate the new minimal, acceptable correlation coefficient as the mean minus two standard deviations determined in subsection (e)(2)(D)(ii); and
    - iv) then analyze a standard prepared at a concentration which is 40% to 60% of the maximum calibration range and from a second source material than that used in the calibration curve.
- E) After completing the subsection (e)(2)(D) demonstration, the laboratory may consider a calibration curve linear when:
  - i) the correlation coefficient meets or exceeds the new criteria determined in subsection (e)(2)(D)(iii); and
  - ii) when the result of the subsection (e)(2)(D)(iv) analysis is within 5% of that standard's true value.

3) If the initial calibration curve is linear as determined pursuant to:

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- A) subsection (e)(2)(A) or (D), the laboratory shall utilize the linear regression to determine the analytical results;
- B) subsection (e)(2)(B), the laboratory shall utilize the average response factor to determine the analytical results; or

C) subsection (e)(2)(C), the laboratory shall utilize the average calibration factor to determine the analytical results.

- 4) If the initial calibration curve is not linear as determined pursuant to subsection (e)(2), the laboratory shall utilize the entire initial calibration curve to determine analytical results. To verify all initial calibration curves, the laboratory shall perform analyses of an initial calibration verification (ICV) check standard for all instrumentation and equipment.

1) The laboratory shall utilize only ICV check standards prepared from a second source, where available.

2) The laboratory shall utilize only ICV check standards prepared at the concentrations specified in the approved test method.

3) If the approved test method does not specify the concentration for the ICV check standard, the concentration shall be at 10% to 50% of the maximum of the calibration range.

4) The laboratory shall utilize the ICV check standards' acceptance criteria specified in the approved test method.

5) If the approved test method does not specify the ICV acceptance criteria, the results of the analyses of the ICV check standard shall be within 15% of the true value or within the 95% confidence interval determined from a minimum of 20 analyses of the ICV check standards.

g) If the analyses of the ICV check standard fails to meet the acceptance criteria specified in subsection (f)(4) or (5), the laboratory shall:

- 1) either:
  - A) suspend sample analyses and take corrective action to be followed immediately by a reanalysis of the ICV check standard; or
  - B) immediately reanalyze the ICV check standard; and
- 2) evaluate the subsection (g)(1)(A) or (B) ICV check standard reanalysis results as follows:
  - A) The laboratory may continue sample analyses for the analytes for which the results of the reanalysis of the ICV check standard meet the acceptance criteria specified in subsection (f)(4) or (5).
  - B) The laboratory shall terminate sample analyses or reject sample analyses data for the analytes for which the results of the reanalysis of the ICV check standard fail to meet the acceptance criteria specified in subsection (f)(4) or (5).
  - C) The laboratory may proceed with sample analyses for the analytes for which the acceptance criteria were not met only after the establishment and verification of a new initial



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calibration curve pursuant to this Section.

- h) To verify the continued acceptability of the initial calibration, the laboratory shall prepare and perform the analysis of a CCV check standard for all instrumentation and equipment according to the following procedure:

- 1) The laboratory shall utilize a CCV check standard prepared from the initial calibration curve standards or from a second source material than that used to prepare the initial calibration curve standards.
- 2) The laboratory shall prepare a CCV check standard at a concentration within the range of the initial calibration standards.
- 3) Whenever the laboratory does not prepare an initial calibration curve on the day of analysis, the laboratory shall verify the integrity of the initial calibration curve at the beginning of each day of use (or 24 hour period).

A) The laboratory shall initially analyze a CCV check standard:

- i) at the approved test method specified concentration, or
  - ii) if the approved test method does not specify the concentration for the CCV check standard, the concentration shall be at 25% to 50% of the maximum of the calibration range.
- B) The laboratory shall analyze a calibration blank.
- C) The analysis of the CCV check standard must meet the acceptance criteria specified in subsection (h)(5) or (6).

4) The laboratory shall analyze a CCV check standard once per 20

samples or every 12 hours, whichever is more frequent.

5) The laboratory shall utilize the CCV check standards' acceptance

criteria specified in the approved test method.

6) If the approved test method does not specify the CCV acceptance

criteria, the CCV check result shall be within 15% of the true

value or within the 95% confidence interval determined from a

minimum of 20 analyses of the CCV check standard at a single

concentration.

i) If the analyses of the CCV check standard fails to meet the acceptance

criteria specified in subsection (h)(5) or (6), the laboratory shall:

1) Either:

A) Suspend sample analyses and take corrective action followed

by an immediate reanalysis of the CCV check standard; or

B) Immediately reanalyze the CCV check standard; and

2) Evaluate the subsection (i)(1)(A) or (B) CCV check standard

reanalysis results as follows:

A) The laboratory may continue sample analyses for the analytes

for which the results of the second analysis of the CCV

check standard meet the acceptance criteria specified in

subsection (h)(5) or (6).

B) The laboratory shall terminate sample analyses or reject

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sample analyses data pursuant to subsection (j) below for the analytes for which the results of the second analysis of the CCV check standard fail to meet the acceptance criteria specified in subsection (h)(5) or (6).

- C) The laboratory may proceed with sample analyses for the analytes for which the acceptance criteria were not met only after the establishment and verification of a new initial calibration curve pursuant to this Section.

j) Whenever the generation of a new initial calibration curve and verification of the new initial calibration curve are required pursuant to subsection (i), the laboratory shall reanalyze all samples analyzed since the last CCV check standard which met the CCV acceptance criteria, except for those instances where the CCV acceptance criteria was exceeded high (high bias) and there are non-detect results for the corresponding analyte in the samples associated with the CCV check standard. In those instances, the non-detect results may be reported.

k) The laboratory shall document all activities related to calibration and standardization as specified in Section 186.190 of this Part.

## Section 186.160 Quality Assurance/Quality Control

a) The laboratory shall follow the quality control procedures specified below:

- 1) The laboratory shall follow all quality control procedures in the approved test method. The laboratory shall utilize the quality control procedures set forth in this Section if the approved test method does not specify any quality control procedures or the quality control procedures contained in the approved test method are less stringent.

2) The laboratory shall assess and evaluate the results of all quality control procedures, including but not limited to those procedures specified in subsections (a)(3), (4), (5), (6) and (7) on an on-going basis.

A) The laboratory shall establish written procedures to ensure that all results from all quality control procedures are reviewed and the decision made to accept, reject, or qualify sample data before the data is reported.

B) The laboratory shall establish written criteria for accepting, rejecting, or qualifying sample data based on each quality control procedure.

- i) The laboratory shall, for each quality control procedure, use the acceptance criteria contained in the approved test method for evaluating the results of each of the quality control procedures and for accepting, rejecting, and qualifying sample data.

ii) The laboratory shall establish written criteria if the approved test method does not specify the criteria for

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evaluating the results of each of the quality control procedures and for accepting, rejecting, and qualifying data.

- C) If a quality control procedure results in the laboratory rejecting or qualifying sample data, the laboratory shall implement corrective actions.

- D) The laboratory shall complete corrective actions and maintain written records as required in Section 186.190 of this Part.

- 3) The laboratory shall prepare and analyze a method blank with each batch of environmental samples and shall carry the method blank through the entire analytical process. Method Blanks are not required for approved test methods, including but not limited to: pH, temperature and conductivity, for which method blanks are not appropriate.

- A) A batch of drinking water sample data meets the requirements of this Section only when the method blank does not contain an analyte of interest at a concentration greater than the MDL.

- B) A batch of environmental sample data, except for drinking water sample data, meets the requirements of this Section when the method blank does not contain an analyte of interest at a concentration greater than the highest of the following:

- i) the MDL,
- ii) 10% of the regulatory limit for that analyte, or
- iii) 10% of the measured concentration for that analyte in any environmental sample in the batch.

- C) The provisions of subsection (a)(3)(B) do not apply in those instances where the method blank criteria have not been met and there are non-detect results for the corresponding analyte in the environmental samples associated with the method blank. In such instances, the non-detect results may be reported without a qualification.

- 4) The laboratory shall perform matrix spikes at a rate of one per 20 or fewer environmental samples per matrix type, per sample extraction or preparation procedure.

- A) The laboratory shall utilize the spiking analytes specified in the approved test method, except when the approved test method indicates that all method analytes are to be matrix spiked. In such cases, the laboratory shall spike the analytes of interest.

- B) If the approved test method does not specify the spiking analytes, the laboratory shall:

- i) spike 10% of the analytes listed in the approved test method, or a minimum of three analytes of interest, whichever is greater (if the approved test method lists fewer than three analytes, the laboratory shall

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spike all analytes of interest),

- ii) spike at least one multi-component analyte when the approved test method includes multi-component analytes (for example: chlordane, toxaphene and PCBs in USEPA Method 608), and

- iii) select analytes for spiking on a rotating basis from among the approved test method listed analytes, for approved test methods which list more than six analytes. The laboratory shall rotate the analytes for spiking over a two-year time period, ensuring that all analytes of interest are used in the time period.
- The analytes selected for spiking shall represent all chemistries, elution patterns and masses.

- C) The laboratory shall select samples on a rotating basis to receive matrix spike analysis from among various client samples, waste streams, monitoring locations and other applicable locations.

- D) The laboratory shall document as required in Section 186.190(d)(11) of this Part the procedure used to select the sample for matrix spike analyses.

- E) The laboratory shall document as required in Section 186.190(d)(11) of this Part the procedure used to select the analytes for matrix spike analyses.

- F) Matrix spikes are not required for approved test methods in which materials for matrix spiking are not available, including but not limited to: total suspended solids, total dissolved solids, total volatile solids, flash point, reactivity, pH, color, odor, temperature, dissolved oxygen and turbidity.

- 5) The laboratory shall analyze laboratory control samples (LCS) at a minimum of one per batch, except for analytes for which spiking solutions are not available such as total suspended solids, total dissolved solids, total volatile solids, total solids, pH, color, odor, temperature, dissolved oxygen or turbidity.

- A) The laboratory shall use the results of these LCS analyses to determine batch acceptance.

- B) The laboratory may use the matrix spike samples as specified in subsection (a)(4) as an LCS when the matrix spike acceptance criteria are as stringent as the LCS acceptance criteria. However, if the laboratory prepares an LCS, the laboratory shall analyze the LCS and use the results to determine batch acceptance. The laboratory shall not use the analyses of matrix spike samples as specified in subsection (a)(4) to override, ignore, or replace an LCS analysis that fails to meet criteria.

- C) The analytes shall be obtained from a second source, if applicable.

- 6) The laboratory shall perform matrix spike duplicates or sample

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duplicates at a rate of one per 20 or fewer environmental samples per matrix type, per sample extraction or preparation procedure.

A) The laboratory shall perform matrix spike duplicates on the same environmental sample chosen for matrix spike analyses pursuant to subsection (a)(4)(C).

B) The laboratory shall select samples on a rotating basis to receive sample duplicate analyses from among various client samples, waste streams, monitoring locations and other applicable locations.

C) The laboratory shall document, as required in Section 186.190(d)(11) of this Part, the procedure used to select the sample for matrix spike duplicate or sample duplicate analyses.

7) The laboratory shall add surrogate compounds to all samples, standards, and blanks, whenever possible, when conducting analyses by approved test methods utilizing organic chromatography.

8) The laboratory shall maintain tabulations, quality control charts or any combination of tabulations and quality control charts of the results from all quality control procedures, excluding blanks, which have criteria established pursuant to subsection (a)(2) above:

- A) for each approved test method;
- B) for each matrix; and
- C) for each analytical range.

The laboratory shall calculate quality control limits according to Standard Methods Part 1020B(7)(a) and (b) or AOAC "Quality Assurance Principles for Analytical Laboratories."

9) Tabulations, quality control charts or any combination of tabulations and quality control charts of results of quality control procedures shall include the following information:

- A) title;
- B) identification of standard operating procedure (SOP) which requires collection of quality control procedure data;
- C) name of quality control procedure being tabulated;
- D) analytical method;
- E) analyte;
- F) analyte units of measure;
- G) matrix;
- H) fortification concentration;
- I) mean;
- J) standard deviation;
- K) upper control limit (UCL);
- L) lower control limit (LCL);
- M) upper warning limit (UWL);
- N) lower warning limit (LWL);
- O) date of analyses;
- P) unique control sample identification code; and

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Q) analyst's identification.

10) Each analyst shall perform an IDMP study prior to initiation of sample analyses, unless the IDMP is not applicable to the approved test method, such as, total suspended solids, total dissolved solids, total volatile solids, total solids, pH, color, odor, temperature, dissolved oxygen or turbidity. The laboratory shall be responsible for the repetition of the IDMP study whenever there is a change in analyst, instrument type, or approved test method. The following steps shall be performed:

A) A quality control (QC) check sample shall be obtained from USEPA or a certified source. If not available, the QC check sample may be prepared by the laboratory using calibration standards that are prepared at a different time than those used in instrument calibration.

B) The laboratory shall prepare four aliquots of the QC check sample at the required method volume to a concentration approximately 10 times the method-stated or laboratory-calculated MDL.

C) The four aliquots shall be prepared and analyzed according to the approved test method.

D) Using the four results, calculate the average recovery in the appropriate reporting units (such as ug/L) and the standard deviation (in the same units) for each analyte.

E) For each analyte, compare standard deviation and average recovery to the corresponding acceptance criteria for precision and accuracy in the approved test method (if applicable) or laboratory-generated acceptance criteria (if a non-standard method). If standard deviation and average recovery for all analytes meet the acceptance criteria, the analysis of actual samples may begin. If any one of the analytes exceed the acceptance range, the performance is unacceptable for that analyte.

F) When the results of the IDMP indicate that the average recovery or the standard deviation of one or more of the tested analytes does not meet the acceptance criteria pursuant to subsection (a)(10)(E), the analyst shall:

- i) locate and correct the source of the problem and repeat that portion of the IDMP specified in subsections (a)(10)(C), (D) and (E) for applicable analytes; or
- ii) repeat that portion of the IDMP specified in subsections (a)(10)(C), (D) and (E) for applicable analytes. If the results of the IDMP conducted pursuant to this subsection (a)(10)(F)(ii) fail to meet the acceptance criteria, the Agency will deem a general problem with the measurements system to exist. The analyst must then follow the requirements of subsection (a)(10)(F)(i).



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G) The laboratory shall provide the Agency with the information as specified in the application process, Section 186.125(d)(15)(C) of this Part.

11) The laboratory shall determine MDLs using the procedures specified in 40 CFR 136 Appendix B, unless the approved test method specifies the procedure for MDL determination or the determination of an MDL is not applicable to the approved test method, such as, total suspended solids, total dissolved solids, total volatile solids, total solids, pH, color, odor, temperature, dissolved oxygen or turbidity.

A) The laboratory shall analyze a minimum of seven replicates to determine the MDL.

i) If the laboratory analyzes seven replicates, the laboratory shall use all analytical results when calculating the MDL.

ii) If the laboratory analyzes more than seven replicates, the laboratory shall only exclude analytical results which the laboratory determines are outliers by utilizing a statistical outlier test. Statistical outlier tests include, but are not limited to: The Rule of Huge Error, Dixon Test for Outlying Observations, and Grubbs Test for Outlying Observations, as set forth in "Quality Assurance for Chemical Measurements."

B) The calculation of MDLs pursuant to 40 CFR 136 Appendix B procedures may not be appropriate for multi-component analyses such as aroclors, toxaphene, and technical chlordane because they require a pattern of peak profile recognition for identification. The laboratory shall define the MDL for multi-component analyses as the lowest concentration for which pattern recognition is possible.

C) The laboratory shall determine MDLs for each approved test method:

i) annually; and

ii) when there is a change in instrument type.

D) The laboratory may, in lieu of the annual determination of the MDL pursuant to subsection (a)(11)(C), annually verify the MDL by the preparation and analysis of a minimum of one matrix spike sample, spiked at the current MDL.

i) An MDL is considered verified and acceptable for continued use if the results of the analysis of the clean matrix spike sample is within the 95% confidence interval as set forth in 40 CFR 136 Appendix B.

ii) If an MDL cannot be verified pursuant to subsection (a)(11)(D)(i), a new MDL shall be determined.

E) The laboratory shall provide the Agency with all of the MDL information as specified in the application process, Section 186.125(d)(15) and (17) of this Part.

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F) The laboratory shall establish criteria for accepting replicate percent recovery.

b) An MDL calculated pursuant to the requirements of this Section is valid when:

1) The calculated MDL is greater than 1/10 the MDL spiking concentration;

2) The MDL spiking concentration is greater than the calculated MDL;

3) The laboratory has met its criteria for acceptable replicate percent recovery; and

4) For drinking water laboratory accreditation, the laboratory has achieved MDLs equal to or less than those specified in Appendix A of this Part for all analytes listed for the approved test method.

c) The laboratory shall repeat the MDL study if the criteria specified in subsection (b) are not met.

d) The laboratory shall arrange for and have conducted annual internal audits of the technical activities to verify that its operations or procedures continue to comply with this Part.

1) Such internal audits shall be performed by the quality assurance officer or designee who is trained and qualified as an auditor and who is, wherever possible, independent of the activity or procedure audited.

2) Where the results of the internal audit indicate that operations or procedures are not in compliance with this Part, corrective action shall be taken pursuant to Section 186.165 of this Part.

3) Where results of the internal audit indicate that the laboratory's test results are invalid, the laboratory shall take immediate corrective action and shall immediately notify, in writing, any clients whose data are affected.

**Section 186.165 Quality Assurance Plan**

a) The laboratory shall prepare and implement a quality assurance plan (QAP). The QAP shall be available for use by the laboratory personnel.

b) The laboratory management shall ensure that quality assurance policies and objectives are documented in the QAP and communicated to, understood by, and implemented by all applicable laboratory personnel. The QAP must be a laboratory specific document that may incorporate by reference available SOPs or other material, for example, approved test methods and guidance documents. Documents incorporated by reference shall be made available to the Agency.

d) The QAP shall list on the title page: a document title; the laboratory's full name and address; the name and address (if different from above) and telephone number of individuals responsible for the laboratory; the name of the quality assurance officer; the identification of all major organizational units which are to be covered by this QAP; and the effective date of the version.

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e) The QAP shall describe the QA/QC practices employed by the laboratory and shall at a minimum, include the QA/QC requirements specified in the approved test methods. The QAP shall include a description of the following items or have the items referenced by or appended to the laboratory QAP:

- 1) a quality policy statement, including objectives and commitments, by laboratory top management;
- 2) the laboratory organization and staff responsibilities, including a chart or table showing the laboratory organization, the laboratory's place in any parent organization, and job descriptions of key staff and referencing the job descriptions of other staff;
- 3) the chart or table in subsection (e)(2) above shall show the relations between management, technical operations, support services and the quality system;
- 4) procedures for control and maintenance of documentation: a document control system which ensures that all SOPs, manuals, or documents clearly indicate the time period during which the procedure or document was in force;
- 5) identification of the laboratory's approved signatories: at a minimum, the title page must have the signed concurrence (with appropriate titles) of all responsible parties, including the quality assurance officer, laboratory director, and laboratory owner (if applicable);
- 6) general quality control procedures;
- 7) reference to verification practices, including but not limited to: interlaboratory comparisons, PE programs, use of reference materials and internal quality control programs;
- 8) the equipment procedures for calibration, verifications and maintenance;
- 9) the laboratory's scope of test methods and SOPs;
- 10) the laboratory's physical facilities, including services and resources;
- 11) the laboratory's procedures for reviewing all new work to ensure that the laboratory has the appropriate facilities and resources before commencing such work;
- 12) sample acceptance policy and sample receipt policy;
- 13) sample tracking and storage procedures;
- 14) record keeping, data review and reporting procedures;
- 15) corrective action policy and procedures to be followed for feedback and corrective action whenever testing discrepancies are detected, or departures from documented policies and procedures occur, including but not limited to the following requirements:
  - A) identification of such problems, and the anticipated or recommended corrective actions;
  - B) identification of individuals responsible for initiating corrective actions;
  - C) identification of individuals responsible for investigating

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the problem;

- D) definition of how the analyst should treat the data set if the associated QC measurements are unacceptable;
  - E) documentation in writing of the problem, the corrective actions, and the final outcome; and
  - F) specification of the procedures for review of the corrective actions by a supervisor and the quality assurance officer;
- 16) the laboratory management arrangements for permitting departures from documented policies and procedures;
  - 17) procedures for dealing with complaints;
  - 18) procedures for protecting confidentiality and proprietary rights;
  - 19) procedures for internal audit;
  - 20) procedures for management review of the QAP;
  - 21) procedures for establishing that personnel are experienced in the duties that they are expected to carry out, or receive any needed training;
  - 22) definition of terms; and
  - 23) a bibliography.
- f) The laboratory management shall review the QAP to ensure the QAP's continuing suitability, effectiveness and compliance with this Part. The laboratory shall:
- 1) incorporate all changes, including, but not limited to: changes in approved test methods, changes in laboratory equipment, or changes in laboratory personnel; and
  - 2) document, pursuant to Section 186.190 of this Part, the management review of the QAP.
- g) The laboratory shall maintain for each approved test method written, laboratory specific SOPs that accurately reflect all phases of current laboratory practices such as assessing data integrity, corrective actions and handling customer complaints. The SOPs shall include the following topics, where applicable:
- 1) Scope and application. This topic includes a list of analytes, the matrices to which the approved test method applies, a generic description of method sensitivity, and a description of method limitations. Much of this material may be presented in a tabular format.
  - 2) Summary of the approved test method. This topic summarizes the approved test method in a few paragraphs. The purpose of the summary is to provide a succinct overview of the technique to aid the reviewer or data user in evaluating the approved test method and the data. List sample volume, extraction, digestion, concentration, and other preparation steps employed, the analytical instrumentation and detector systems, and the techniques used for quantitative determinations.
  - 3) Definitions. This topic includes the definitions of all method-specific terms. For extensive lists of definitions, this section may simply refer to a glossary attached at the end of the approved test method document.

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- 4) Interferences. This topic needs to discuss any known interferences that are specific to the approved test method.
- 5) Safety. This topic needs to discuss only those safety issues specific to the approved test method and beyond the scope of routine laboratory practices. Target analytes or reagents that pose specific toxicity or safety issues need to be addressed in this topic.
- 6) Equipment and supplies. This topic must state the equipment and supplies that were used in performing the approved test method.
- 7) Reagents and standards. This topic must provide details on the concentration and preparation of reagents and standards to allow the work to be duplicated.
- 8) Sample collection, preservation, and storage. This topic must provide information on sample collection, preservation, shipment, and storage conditions.
- 9) Quality control. This topic must describe specific QC steps, including such procedures as method blanks, laboratory control samples, QC check samples, and instrument checks. This topic must define all terms not previously defined pursuant to subsection (g)(3). This topic must include the frequencies for each QC operation.
- 10) Calibration and standardization. This topic must discuss initial calibration procedures, indicate frequency of such calibration, refer to performance specifications, and indicate corrective actions that must be taken when performance specifications are not met. This topic also may include discussion of procedures for calibration verification or continuing calibrations, if those procedures are not included in subsection (g)(11).
- 11) Procedure. This topic must provide a general description of the sample processing and instrument analyses steps.
- 12) Data analysis and calculations. This topic must describe qualitative and quantitative aspects of the approved test method, list identification criteria that are used, and provide the equations that are used to derive final sample results.
- 13) Method performance. This topic must provide a detailed description of the approved test method performance, including data on precision, bias, detection limits and statistical procedures used to develop performance specifications.
- 14) Pollution prevention. This topic must describe aspects of the analytical method that minimize or prevent pollution.
- 15) Waste management. This topic must describe waste management practices specific to the approved test method.
- 16) References. This topic must cite source documents and publications, including the approved test method.
- 17) Tables, diagrams, flow charts, and validation data. This topic must provide additional information and may be presented at the end of the approved test method. Lengthy tables may be included here, and referenced elsewhere in the text by number.

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- h) In cases where the laboratory makes minor modifications to the approved test method (for example, change in type of column or change in operating conditions), the modifications shall be documented in the SOPs. Where the approved test method is ambiguous or provides insufficient detail (for example, reagent purity or reagent concentration), clarifications shall be documented in the SOPs.
- i) Laboratory personnel shall have access to copies of the SOPs.
- j) The laboratory shall have documented procedures for making and controlling revisions to SOPs. The following information shall be included on each page of the SOPs:
  - 1) SOP number;
  - 2) revision number;
  - 3) date; and
  - 4) current page number of total pages of a section.

## Section 186.170 Performance Evaluation Sample Testing

- a) The laboratory shall analyze PE samples for each field of testing and matrix and analyte for which the laboratory is seeking initial accreditation, maintaining accreditation or renewing accreditation in accordance with this Part.
- b) The laboratory shall analyze PE samples which meet the following requirements.
  - 1) For drinking water laboratory accreditation, the laboratory shall analyze PE samples for each field of testing, approved test method and analyte, as applicable to its scope of accreditation.
  - 2) For wastewater and hazardous waste laboratory accreditation, the laboratory shall analyze PE samples for each analyte, matrix and field of testing, as applicable to its scope of accreditation, that contain:
    - A) for each inorganic field of testing, each analyte; and
    - B) for each organic field of testing, the number of analytes specified in the following table:

Number of analytes of interest in method	Number of analytes required in PE sample
1	1
2	2
3	3
4-7	4
8-10	5
11-15	7
16-20	10
21-25	12



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26-30	15
31-35	17
36-40	20
41-45	22
46-50	25
51-55	27
>56	30

c) The laboratory shall analyze additional PE samples upon demand by the Agency. The Agency may require analyses of additional PE samples for the following reasons:

- 1) a major change in ownership or supervision;
- 2) complaints by data users or employees;
- 3) a request by the laboratory for reinstatement of a field of testing or approved test method; or
- 4) suspicion of fraudulent actions.

d) The laboratory shall participate in the following USEPA PE programs or equivalent Agency approved PE programs, as determined pursuant to Section 186.175 of this Part:

- 1) each USEPA Water Supply (WS) PE Study or equivalent, for drinking water analytes included in Section 186.180 of this Part;
- 2) each USEPA Water Pollution (WP) PE Study or equivalent, for wastewater analytes included in Section 186.180 of this Part; or
- 3) an approved solid waste or hazardous waste PE program, for solid and hazardous waste analytes included in Section 186.180 of this Part.

e) The Agency will accredit the laboratory for an approved test method and analyte for which no PE samples are applicable based on the laboratory meeting the other requirements of this Part. Section 186.180 of this Part lists the approved test methods or analytes for which a PE sample is not applicable.

f) The Agency will accredit the laboratory for an approved test method and analyte for which no PE samples are available based on the laboratory meeting the other requirements of this Part.

g) The laboratory shall analyze PE samples, pursuant to this Section, and forward PE sample results to the Agency at least twice a year at a minimum of six month intervals.

- 1) The laboratory shall file a preliminary PE report with the PE program coordinator or administrator within the program's reporting deadline.
- 2) Within the PE program's reporting deadline, the laboratory shall submit to the Agency a copy of the preliminary PE report specified in subsection (g)(1).
- 3) The laboratory shall sign and complete the attestation statement required in subsection (i)(2).
- 4) The laboratory shall be responsible for ensuring that its final PE sample results, as evaluated by the PE program coordinator or administrator, are submitted to the Agency within 15 days after

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the laboratory's receipt of the results.

5) Within 30 days after the Agency's receipt of the laboratory's final PE sample results, the Agency will review and assess the results using the criteria of subsections (m) and (n) below. The Agency will notify the laboratory in writing of its accreditation status.

6) The laboratory shall submit a plan of corrective actions within 30 days after receipt of the Agency's subsection (g)(5) correspondence for all results judged unacceptable according to this Section.

h) The laboratory shall be responsible for the cost of participation in PE programs.

i) The laboratory shall follow routine procedures to process, log-in, store, track, analyze and document PE samples.

1) Failure to follow these procedures is grounds for disqualification of a laboratory's PE results.

2) The analyst and laboratory management shall attest to the routine handling of the PE samples by signing and submitting to the Agency the following statement: "I certify that the enclosed PE sample results were produced as required by 35 Illinois Administrative Code 186."

j) The laboratory's personnel shall not engage in interlaboratory communications regarding PE sample results until after the reporting deadline of the PE study.

1) The Agency will revoke an accredited laboratory's entire accreditation for engaging in interlaboratory, including intracompany, communications concerning PE sample results prior to the reporting deadline.

2) The Agency will deny accreditation to an applicant laboratory for engaging in interlaboratory communications concerning PE sample results prior to the reporting deadline.

3) The laboratory may apply for accreditation six months after the effective date of the revocation or denial of accreditation.

k) The laboratory shall not send PE samples to another laboratory for analysis.

1) The Agency will revoke an accredited laboratory's entire accreditation for submitting another laboratory's PE sample results as its own.

2) The Agency will deny accreditation to an applicant laboratory for submitting another laboratory's PE sample results as its own.

3) The Agency will revoke an accredited laboratory's entire accreditation for knowingly receiving for analysis, or knowingly participating in the falsification of any reporting of, another laboratory's PE sample results.

4) The Agency will deny accreditation to an applicant laboratory for knowingly receiving for analysis, or knowingly participating in the falsification of any reporting of, another laboratory's PE sample results.

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5) The laboratory may apply for accreditation six months after the effective date of the revocation or denial of accreditation.

1) The laboratory's personnel shall not attempt to obtain the true values of PE samples prior to the reporting deadline of the PE study.

1) The Agency will revoke an accredited laboratory's entire accreditation for attempting to obtain the true values of PE samples prior to the reporting deadline.

2) The Agency will deny accreditation to an applicant laboratory for attempting to obtain the true values of PE samples prior to the reporting deadline.

3) The laboratory may apply for accreditation six months after the effective date of the revocation or denial of accreditation.

m) The Agency will utilize the following criteria in evaluating PE sample results.

1) A laboratory's PE sample result, for drinking water analytes, is acceptable when the laboratory's result is within the statistically determined 95% confidence interval of the PE study or within the fixed performance limits required by the USEPA for that analyte.

2) A laboratory's PE sample result, for drinking water analytes, is unacceptable when the laboratory's result is outside the statistically determined 95% confidence interval of the PE study or outside the fixed performance limits required by the USEPA for that analyte.

3) A laboratory's PE sample result, for wastewater analytes and solid and hazardous waste analytes, is acceptable when the laboratory's result is within the statistically determined 99% confidence interval of the PE study or within the fixed performance limits required by the USEPA for that analyte.

4) A laboratory's PE sample result, for wastewater analytes and solid and hazardous waste analytes, is unacceptable when the laboratory's result is outside the statistically determined 99% confidence interval of the PE study or outside the fixed performance limits required by the USEPA for that analyte.

5) A laboratory's PE sample result is acceptable when the PE program determines that the PE study is invalid for that analyte or that the PE study data cannot be evaluated for that analyte due to technical failures.

6) A laboratory's PE sample result is unacceptable if the laboratory fails to participate in a PE study or fails to submit results to the Agency within 15 days after the laboratory's receipt of the final PE results as specified in subsection (g)(4) above.

7) A laboratory's PE sample result is unacceptable if the laboratory fails to submit a PE result on or before the deadline of the PE study as specified in subsections (g)(1) and (g)(2).

8) A laboratory's PE sample results for the drinking water volatile organic contaminants (VOCs) listed in 40 CFR 141.61(a), excluding vinyl chloride, are acceptable if the laboratory submits results

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that meet the criteria of subsection (m)(1) for at least 80% of all the listed VOCs, excluding vinyl chloride, in drinking water on a PE study.

9) A laboratory's PE sample results for the drinking water VOCs listed in 40 CFR 141.61(a), excluding vinyl chloride, are unacceptable if the laboratory fails to submit results that meet the criteria of subsection (m)(1) for at least 80% of all the listed VOCs, excluding vinyl chloride, in drinking water on a PE study.

10) If subsection (b)(2)(B) requires a laboratory to analyze a PE sample for five or more analytes of interest, the laboratory shall achieve acceptable PE results for at least 80% of the required analytes present in the PE sample.

11) If subsection (b)(2)(B) requires a laboratory to analyze a PE sample containing four or fewer analytes of interest, the laboratory shall achieve acceptable PE results for all the required analytes of interest.

12) A laboratory's PE sample result is unacceptable if the laboratory fails to analyze the PE samples by the approved test method.

n) The Agency will determine the laboratory's accreditation status for each approved test method and analyte based on the laboratory's performance on the applicable PE study as evaluated according to this Section.

1) The Agency will deny accreditation to a laboratory seeking initial accreditation for an approved test method and analyte if the laboratory submits unacceptable results, as evaluated according to this Section, on two out of three PE studies most recent to the laboratory's initial application package.

2) The Agency will suspend a laboratory's accreditation for an approved test method and analyte if the laboratory submits unacceptable results, as evaluated according to this Section, on two consecutive PE studies for that approved test method and analyte.

3) The subsection (n)(2) suspension is effective immediately upon receipt of notification of the suspension pursuant to Section 186.210 of this Part.

4) The Agency will change the laboratory's suspended status for the approved test method and analyte to accredited status if:

A) the laboratory submits documentation that demonstrates the corrective actions described in subsection (g)(6) were completed and were effective; and

B) the laboratory acceptably analyzes two PE samples for the suspended approved test method and analyte on the next two PE studies. The PE samples analyzed in this subsection (n)(4)(B) shall be:

i) obtained from an approved PE program;

ii) analyzed subsequent to subsection (n)(4)(A) actions; and

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- iii) obtained from distinct PE studies.
- 5) The Agency will revoke the laboratory's accreditation for an approved test method and analyte if the laboratory submits unacceptable results, as evaluated according to this Section, for an approved test method and analyte on three consecutive PE studies. The result of the PE sample analyzed pursuant to subsection (n)(4)(B) shall be utilized to evaluate the laboratory's accreditation status.
- 6) The subsection (n)(5) revocation is effective immediately upon receipt of notification of revocation pursuant to Section 186.210 of this Part.
- 7) After the submittal of unacceptable results on three consecutive PE studies, the Agency will change the laboratory's revoked status for an approved test method and analyte to accredited status if the laboratory:
- submits documentation that the corrective actions described in subsection (g)(6) were completed and were effective;
  - acceptably analyzes two consecutive PE samples for that approved test method and analyte on the next two consecutive applicable PE studies. The PE samples analyzed pursuant to this subsection (n)(6)(B) shall be:
    - obtained from an approved PE program;
    - analyzed subsequent to submittal of documentation pursuant to subsection (n)(7)(A); and
    - obtained from distinct PE studies;
- C) meets all of the applicable requirements of this Part.
- o) The laboratory shall authorize the release of PE sample results to the Agency.

## Section 186.175 Performance Evaluation Testing Programs

- a) The Agency will recognize PE programs and accept the results of PE programs for laboratory accreditation if the program is offered by:
- a federal agency;
  - a state agency; or
  - an entity that demonstrates to the Agency that it has the resources, technical ability and quality assurance system to prepare PE samples, characterize PE samples, test PE samples, package PE samples, label PE samples, securely store PE samples, distribute PE samples, maintain the integrity of PE samples throughout the production and distribution process, evaluate PE sample results, report PE sample results, meet the requirements of this Section and meet the applicable requirements of Section 186.170 of this Part.
- A) The Agency may perform an on-site evaluation of the entity seeking approval of its PE program.
- B) The entity shall submit a written program plan and SOPs that document the entity's quality assurance system. In this

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- subsection (a)(3)(B) submission, the entity shall address each item listed in ASTM E1301-95, Sections 6, 7 and 8 and Annex 2.
- C) The Agency will not release information submitted by the entity that is identified by the entity as a trade secret or confidential business information pursuant to Section 186.220 of this Part.
- b) An entity that seeks or obtains approval of its PE program shall:
- meet the requirements of ASTM E1301-95;
  - utilize PE samples that meet the criteria described in ASTM E1301-95, 5.3, Interlaboratory Testing Program;
  - prepare and distribute PE samples that contain analytes at or near the applicable regulatory limit;
  - ensure and communicate the suitability, homogeneity and stability of PE samples by:
    - verifying the true value before distribution through direct analysis against a NIST standard reference material if available, or calibration material prepared from a separate raw material source or a source external to the provider if a NIST standard reference material is not available;
    - testing within seven days before the deadline of the PE study to demonstrate that the mean analytical value for each analyte in the PE sample falls within the 95% confidence interval calculated for the true value verification in subsection (b)(4)(A);
    - testing final packaged PE samples, prior to shipment, to demonstrate that PE samples distributed to the laboratories are homogeneous;
    - testing final packaged PE samples, after completing subsection (b)(4)(C) testing and prior to shipment, to demonstrate that PE samples distributed to the laboratories have analytical values that fall within the 95% confidence interval calculated for the true value verification in subsection (b)(4)(A);
    - submitting the results generated in subsections (b)(4)(A) and (C) to the Agency prior to PE sample distribution; and
    - making the results generated in subsections (b)(4)(A), (B), (C) and (D) available to the participating laboratories upon request after the close of the PE study;
  - maintain PE samples for retesting;
  - distribute PE samples:
    - at a minimum of two times per year;
    - at a minimum of one concentration for each analyte in an approved test method listed in Section 186.180(b)(1) of this Part;
    - at a minimum of one concentration for the approved test methods listed in Section 186.180(b)(2) and (3) of this Part that includes the minimum number of analytes as specified in



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the table in Section 186.170(b)(2)(B) of this Part; and

D) at a volume that allows for testing by at least two applicable approved test methods within the fields of testing described in Section 186.180 of this Part;

7) determine true values and acceptable ranges for PE sample results by utilizing the USEPA's fixed limits when required, or utilizing the USEPA's Bi-Weight Program with at least 13 data points from the current PE study:

- A) to statistically determine the 95% confidence interval of the PE study drinking water analytes; and
- B) to statistically determine 99% confidence intervals of the PE study for wastewater analytes and hazardous and solid waste analytes;

8) utilize a code to identify participating laboratories so that each laboratory's performance remains anonymous to all other participants;

9) provide technical assistance to resolve PE program problems, including but not limited to: lost samples, broken containers, and anomalies during analysis;

10) not have financial interest in an applicant or accredited laboratory;

11) not share personnel, facilities or instrumentation with an applicant or accredited laboratory;

12) not sell, distribute, or provide PE samples, utilized pursuant to this Part, prior to the conclusion of the PE study for which they were designed;

13) not sell, distribute, or provide PE samples of identical design and concentration to those that are currently being used in a PE study for the Agency;

14) not release the true value of a PE sample prior to the PE study deadline;

15) report to the Agency, within three days after occurrence, any attempts to obtain the true value of a PE sample prior to the PE study deadline;

16) maintain control over the confidentiality of a PE sample, including but not limited to: its production, testing, distribution, data collection, data analysis, and data reporting;

17) identify the PE program coordinator;

18) store records related to all phases of PE sample production and testing, and to laboratory PE study data analysis, for 10 years;

19) maintain a mailing list of all PE study participants; and

20) transfer data from preliminary PE report forms to electronic format by any viable double-entry mechanism.

c) An entity that seeks or obtains approval of its PE program shall identify problems within a PE study and notify the Agency within seven days after discovery of the problem.

- 1) After the subsection (c) notification, the entity shall submit a written report to the Agency that:

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- A) describes the problem;
- B) describes the corrective actions taken to address the problem; and
- C) includes verification that the corrective actions taken were effective.

2) If the problem is discovered prior to the release of the PE sample results, the PE program shall not release the results without the consent of the Agency.

d) An entity that seeks or obtains approval of its PE program shall:

- 1) notify participants at least one week in advance of expected PE sample shipping schedule;
- 2) have a mechanism in place that allows participating laboratories to notify the PE program when PE samples are not received within three days after expected receipt;
- 3) have a mechanism in place that allows participating laboratories to notify the PE program when samples are received in an unacceptable state;

4) require participants to submit PE sample results to the PE program coordinator within one month after shipping the PE samples; and

5) provide instructions on the preparation of PE samples, recording of PE samples and reporting of PE samples results.

e) An entity that seeks or obtains approval of its PE program shall provide instructions for the completion of report forms and require participating laboratories to submit the following information on uniform report forms:

- 1) the participating laboratory's name, address and identification code;
- 2) the analytical values for each analyte;
- 3) the approved test method utilized to analyze the PE samples for each analyte;
- 4) the statement specified in Section 186.170(i)(2) of this Part;
- 5) a signature block for laboratory management who must attest to fulfillment of Section 186.170(i) requirements; and

6) the unique PE study identification code.

f) An entity that seeks or obtains approval of its PE program shall provide for each PE study within one month of the PE study deadline:

- 1) laboratory-specific results, determined according to subsection (b)(7), to each participating laboratory and the Agency including:
  - A) laboratory identification, utilizing only the laboratory's identification code; and
  - B) analyte, units of measure, reported value, true value, and acceptance limits for each analyte.

2) statewide and nationwide reports to the Agency summarizing PE study data including analyte, units of measure, true value, total number of results reported, number of useable results, number of acceptable results, number of unacceptable results and acceptance

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limits; and

- 3) a study specific report summarizing the statistical evaluation techniques used to analyze study data, a description of any anomalies associated with the study, and a description of any sample data which could not be evaluated.
- g) An entity that seeks or obtains approval of its PE program shall provide laboratory results to the Agency in the following electronic form:
  - 1) as ASCII delimited files;
  - 2) on a 3 1/2" diskette; and
  - 3) compatible with the Agency's accreditation program database.
- h) An entity that seeks or obtains approval of its PE program may submit to the Agency a waiver request for a limited number of requirements of this Section when meeting the requirement is not technically feasible or it would be extraordinarily costly.
  - 1) In the waiver request, the entity shall clearly describe the reason for requesting the waiver.
  - 2) The Agency will respond in writing to the entity within one month after receiving the waiver request.

## Section 186.180 Fields of Testing

a) The Agency shall accredit a laboratory as specified in Section 186.130(a)(1) of this Part which includes the following fields of testing:

- 1) For accreditation to conduct public water supply analyses:
  - A) inorganic analytes; and
  - B) organic analytes.
- 2) For accreditation to conduct water pollution analyses:
  - A) inorganic analytes; and
  - B) organic analytes.
- 3) For accreditation to conduct analyses of solid or liquid samples for hazardous or other waste analytes:
  - A) inorganic analytes; and
  - B) organic analytes.

b) The Agency shall accredit a laboratory for the approved test methods contained in the documents and publications cited below:

1) For accreditation to conduct public water supply analyses, inorganic and organic analytes, a listing of the approved test methods are found in:

- A) 40 CFR 141.23(k);
- B) 40 CFR 141.24(e);
- C) 40 CFR 143.4.

The Agency will accredit a laboratory for an alternative test procedure after the laboratory documents that it has received approval for the alternative test procedure from USEPA and has complied with the requirements of 40 CFR 141.27.

- 2) For accreditation to conduct water pollution analyses, inorganic

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and organic analytes, a listing of the approved test methods are found in:

- A) 40 CFR 136.3 Table IB (July 1, 1996), including only the approved test methods from "Methods of Chemical Analysis of Water and Wastes", EPA-600/4-79-020, and "Standard Methods for Examination of Water and Wastewater";
- B) 40 CFR 136.3 Table IC, including only the approved test methods from "Standard Methods for Examination of Water and Wastewater";
- C) 40 CFR 136, Appendix A;
- D) 40 CFR 136.3 Table ID, including only the approved test methods from "Standard Methods for Examination of Water and Wastewater"; and
- E) 40 CFR 136, Appendix C.

The Agency will accredit a laboratory for an alternative test procedure after the laboratory documents that it has received approval for the alternative test procedure from USEPA and has complied with the requirements of 40 CFR 136.4 and 136.5.

- 3) For accreditation to conduct analyses of solid or liquid samples for hazardous or other waste analytes, inorganic and organic analytes, the approved test methods are found in:

- A) Test Methods for Evaluating Solid Waste, SW846, Volume IA, with the following exceptions: Method 3005A, Method 3010A, Method 3015, Method 3020A, Method 3031, Method 3040A, Method 3050B, Method 3051, Method 3052, and Method 3060A.
- B) Test Methods for Evaluating Solid Waste, SW846, Volume IB, with the following exceptions: Method 3500B, Method 3510C, Method 3520C, Method 3535, Method 3540C, Method 3541, Method 3542, Method 3545, Method 3550B, Method 3560, Method 3561, Method 3580A, Method 3585, Method 3600C, Method 3610B, Method 3611B, Method 3620B, Method 3630C, Method 3640A, Method 3650B, Method 3660B, Method 3665A, Method 3810, Method 3820, Method 4000, Method 4010A, Method 4015, Method 4020, Method 4030, Method 4035, Method 4040, Method 4041, Method 4042, Method 4050, Method 4051, Method 5000, Method 5021, Method 5030B, Method 5031, Method 5032, Method 5035, Method 5041A, Method 8515, Method 8520, Method 9078, and Method 9079.
- C) Test Methods for Evaluating Solid Waste, SW846 Volume IC, with the following exceptions: Method 5050, Method 9075, Method 9076, Method 9077, Method 9080, Method 9081, Method 9090A, Method 9095A, Method 9096, Method 9100, Method 9131, Method 9132, Method 9310, Method 9315 and Method 9320.

- c) The laboratory is not required to analyze PE samples pursuant to Section 186.170 of this Part for the following approved test methods:
  - 1) Method 2510B, Method 2550B, Method 4500-O-C, Method 4500-O-G and Method 5540C from "Standard Methods for Examination of Water and Wastewater".

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- 2) Method 1310A, Method 1311, Method 1312, Method 1320, Method 1330A, Method 9030A, Method 9031, Method 9050, Method 8280, Method 8290 from Test Methods for Evaluating Solid Waste, SW846.
- 3) USEPA Method 613.
- d) The laboratory may submit a written request to the Agency requesting the inclusion of an approved test method in subsection (c) above. The Agency will make a determination if analysis of a PE sample is not applicable for accreditation.

**Section 186.185 Sample Acceptance and Receipt**

- a) Regardless of the laboratory's level of control over sampling activities, all the requirements of this Section are essential to ensure sample integrity and valid data and shall be followed by the laboratory.
- b) The laboratory shall have a written sample acceptance policy that outlines the circumstances under which it will accept samples. Data from any samples which do not meet the following criteria must be flagged in an unambiguous manner clearly defining the nature and substance of the variation. The sample acceptance policy shall be made available to sample collectors and shall require at a minimum:
  - 1) complete documentation, which shall include sample identification, the location, date and time of collection, collector's name, preservative added, sample type and any special remarks concerning the sample;
- 2) sample labeling:
  - A) a unique identification of the sample and each sample container; and
  - B) a labeling system for the samples with durable labels and the use of indelible markings;
- 3) documentation of use of preservation and sample containers as required by the approved test methods;
- 4) adherence to the maximum allowable holding time prior to analyses as specified by the approved test methods; and
- 5) adequate sample volume to perform the necessary analyses.
- c) The laboratory shall examine samples upon receipt for thermal preservation, if applicable. The laboratory shall document the results of such examinations. All samples which require thermal preservation shall be considered acceptable if:
  - 1) the arrival temperature is either within  $\pm 2^{\circ}\text{C}$  of the required temperature or the method specified range (for samples with a specified temperature of  $4^{\circ}\text{C}$ , samples with a temperature of  $0.1$  to  $6^{\circ}\text{C}$  shall be acceptable); or
  - 2) the samples have been hand delivered to the laboratory within six hours after collection and there is evidence, such as arrival on ice, that the chilling process has begun.
- d) The laboratory shall examine samples for chemical preservation upon receipt or prior to or at the time of sample preparation or analysis.

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The laboratory shall document the results of such examinations. The laboratory SOP shall define the procedures for checking chemical preservation using readily available techniques, such as pH, free chlorine or temperature, prior to or at the time of sample preparation or analysis.

- e) When the samples do not meet the preservation and maximum holding time requirements as stated in the approved test method, the laboratory shall notify the client requesting the analyses for further instructions before proceeding. If the sample does not meet the sample acceptance criteria listed in subsections (a) through (c) above, the laboratory shall either:
  - 1) retain correspondence and records of conversations concerning the final disposition of rejected samples; or
  - 2) fully document any decision to proceed with the analysis of compromised samples including:
    - A) documenting the condition of the samples in the sample tracking records on the evidentiary chain of custody or transmittal form and laboratory receipt documents; and
    - B) appropriately qualifying the analyses data on the final report.
- f) The laboratory shall utilize a permanent sequential log to document receipt of all sample containers. The following information must be chronologically recorded in the log:
  - 1) date and time of laboratory receipt of sample;
  - 2) sample collection date;
  - 3) unique laboratory identification code as specified in subsection (b)(2) above;
  - 4) field identification code as supplied by the sample submitter;
  - 5) requested analyses, including approved test method number;
  - 6) signature or initials of data logger;
  - 7) comments resulting from inspection for acceptance or rejection; and
  - 8) sampling kit code (if applicable).
- g) The laboratory shall maintain a complete sample tracking record, as specified in Section 186.190(d) of this Part.
- h) The laboratory shall provide sample storage facilities that prevent cross-contamination of samples and meet the conditions specified by preservation protocols. The Agency shall verify compliance through the examination of storage areas or through the review of analytical data on laboratory blanks that are stored with samples.
  - 1) The laboratory shall verify that cross-contamination between samples has not occurred.
  - 2) Drinking water samples to be analyzed for trihalomethanes or VOCs must be further segregated from all other samples and all organic solvent vapors.
  - 3) Samples shall be stored away from all standards, reagents, food and other potentially contaminating sources.
  - 4) Sample fractions, extracts, leachates and other sample



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preparation products shall be stored according to this Section or according to specifications in the approved test method.

- i) The laboratory shall store all samples in a secure area and limit access to authorized laboratory personnel only.
- j) The laboratory shall control and document access to all litigation samples and subsamples.
  - 1) A clean dry isolated room and refrigerated space that can be securely locked from the outside must be designated as a custody room.
  - 2) Where possible, distribution of samples to the analyst performing the analysis must be made by the custodians.
  - 3) Once the sample analyses are completed, the unused portion of the sample, together with all identifying labels, must be returned to the custodian. The returned labeled sample must be retained in the custody room until permission to destroy the sample is received by the custodian or other authority.
- k) The laboratory shall follow the procedures specified in Section 186.190(u) of this Part for samples subject to litigation.

**Section 186.190 Record Keeping, Sample Tracking and Reporting**

- a) The records for each test shall contain information to permit repetition.
  - 1) The record keeping system must allow historical reconstruction of all laboratory activities that produce the resultant sample analytical data.
  - 2) The history of the sample must be traceable through the documentation.
  - 3) The history of the sample shall include interlaboratory transfers of samples and sample extracts.
- b) There are two levels of record keeping: sample tracking as described in subsection (d) below and evidentiary chain-of-custody as described in subsection (u) below.
- c) The laboratory shall maintain a record keeping system that facilitates the retrieval of all working files and archived records for inspection and verification purposes by the Agency.
- d) The laboratory shall document and maintain records related to all procedures and activities to which a sample is subjected, including:
  - 1) identity of personnel involved in sampling, preparation and testing;
  - 2) sample preservation, including but not limited to: sample container and compliance with holding times;
  - 3) sample identification code, receipt, log-in, acceptance or rejection;
  - 4) sample storage and tracking, including: shipping receipts, transmittal forms, and internal routing and assignment records;
  - 5) sample preparation including: cleanup and separation procedures, extract or digestate identification codes, volumes, weights,

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- instrument printouts, meter readings, calculations, reagents; sample analysis;
- 7) equipment receipt, use, specification, operating conditions and preventative maintenance;
- 8) calculations and statistical formulae used by the laboratory, including:
  - A) written procedures for all calculations are available for review;
  - B) representative calculations are available and indicate that routine calculations are consistent with the written procedures;
  - C) all raw data and supporting information needed to recreate calculations are available for review;
  - D) the appropriate number of significant figures are carried out through all recorded data and calculations; and
  - E) the least precise step is identified in the calculations and the number of significant figures is an accurate reflection of the actual tolerances of the instrument or equipment used in this step;
- 9) procedures to verify that the reported data is free from transcription and calculation errors;
- 10) data handling, including but not limited to: reduction, review, confirmation, interpretation, assessment or validation, and reporting;
- 11) QC measurements, including procedures to select samples on which to perform QC measurements, and assessment of method performance;
- 12) requirements specified in Section 186.185(j) of this Part;
- 13) all information necessary to produce unequivocal, accurate records that document the laboratory activities associated with the sample receipt, preparation, analysis and reporting; and
- 14) procedures that maintain an unequivocal link with the unique field identification and the laboratory identification code assigned each sample.
- e) The laboratory shall retain the following records:
  - 1) all original raw data, whether hard copy or electronic, for calibrations, samples and quality control measures, including analysts' work sheets and data output records such as chromatograms, strip charts, and other instrument response readout records;
  - 2) copies of final reports;
  - 3) archived SOPs;
  - 4) all correspondence between the laboratory and the laboratory's clients;
  - 5) all corrective action reports, audits and audit responses;
  - 6) PE sample results and raw data; and
  - 7) data review and cross-checking.
- f) The laboratory shall document and maintain records concerning the receipt, use, and traceability of analytical reagents and standards,

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including at a minimum:

- 1) verification that standards are traceable to national standards. If traceability to a national standard is not possible, the laboratory shall demonstrate, by appropriate means (for example analyses of PE samples) that the instrumentation and equipment is properly calibrated;
  - 2) certificate of the origin, purity and traceability of all standards and reagents. These records shall include the date of receipt, storage conditions, the date of opening and an expiration date;
  - 3) procedures to ensure the traceability of working and intermediate standards to purchased stock standards or neat compounds which include the date of preparation and preparer's initials; and
  - 4) procedures to clearly identify all prepared reagents and standards, including: preparation date, concentrations, and preparer's initials.
- g) The laboratory shall document and maintain records, whether hard copy or electronic, of instrument and equipment calibrations, including at a minimum:
- 1) calibration procedures, calibration frequency, calibration acceptance criteria;
  - 2) procedures to label all calibration curves, including the date, approved test method, analyte, standard concentrations, and instrument response; and
  - 3) procedures to label the axes of the calibration curve:
    - A) For electronic data processing systems, which automatically compute the calibration curve, the system shall record the equation for the curve and correlation coefficient.
    - B) Laboratory personnel shall record the equation of the line and the correlation coefficient when the calibration curve is prepared manually.
- h) Where computers or automated equipment is used for the capture, processing, manipulating, recording, reporting, storage or retrieval of test data, the laboratory shall:
- 1) meet all the requirements of this Part;
  - 2) maintain a listing of computer software with a description of the software's intended use in the laboratory;
  - 3) establish and implement procedures for protecting the integrity of the data. Such procedures shall include, but are not limited to:
    - A) integrity of data entry or capture;
    - B) data storage;
    - C) data transmission; and
    - D) data processing;
  - 4) maintain computer and automated equipment to ensure proper functioning and provide environmental and operating conditions necessary to maintain the integrity of calibration and test data;
  - 5) establish and implement procedures for the maintenance of

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security of data, including the prevention of unauthorized access to, and the unauthorized amendment of, computer records; and

- 6) maintain hard copy or write protected backup copies of records that are stored or generated by computer.

- i) The laboratory shall maintain the following administrative records:
  - 1) personnel qualifications, education, experience and training pursuant to the requirements set forth in Section 186.140 of this Part;
  - 2) IDMP and any required repetitions of the IDMP for each analyst pursuant to the requirements set forth in Section 186.160 of this Part; and
  - 3) a log of names, initials and signatures for all individuals who are responsible for signing or initialing any laboratory record.
- j) Laboratory personnel shall sign or initial all record entries. The reason for the signature or initials shall be clearly indicated in the records, including but not limited to: sampled by, prepared by, reviewed by.
  - 1) All generated data, except those that are generated by automated data collection systems, shall be recorded directly, promptly and legibly in permanent ink.
  - 2) All corrections to record keeping errors shall be made by one line marked through the error. The individual making the correction shall sign or initial and date the correction.
  - 3) Laboratory personnel shall not obliterate entries in records by erasures, white out or markings.
  - 4) Electronically maintained records shall be kept in such a fashion as to indicate any change in the record.
- k) Record Retention
  - 1) The laboratory shall retain all records:
    - A) Pertaining to drinking water analyses that are associated with the laboratory accreditation for a minimum of 10 years. Analyses of lead and copper samples shall be retained for a minimum of 12 years.
    - B) Pertaining to environmental analyses that are associated with the laboratory's accreditation for a minimum of five years unless otherwise designated for a longer period of time in another regulation.
    - C) Pertaining to all suppliers from whom it obtains support services or supplies required for tests, for a minimum of five years.
  - 2) The laboratory shall maintain an archive of all obsolete or replaced procedures or records, for a minimum of five years.
  - 3) The laboratory shall allow the Agency access to archived information.
  - 4) Access to archived information shall be documented with an access log. These records shall be protected against fire, theft loss, environmental deterioration, vermin and, in the case of electronic records, electronic or magnetic sources.

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- 5) The laboratory shall establish a record management system for control of:
  - A) Laboratory notebooks;
  - B) Instrument logbooks;
  - C) Standards logbooks; and
  - D) records for data reduction, validation, storage and reporting.
- 1) All raw data associated with sample analyses (for example: calibration curves, strip charts, tabular printouts, computer data files, analytical notebooks, and run logs) shall include the following information:
  - 1) the laboratory sample identification code;
  - 2) the date of analysis;
  - 3) the instrumentation identification and instrument operating conditions (or reference to such information);
  - 4) the analysis type;
  - 5) all calculations automated or manual to which the sample data is subjected; and
  - 6) the analyst's and technician's initials or signature.
- m) The laboratory shall maintain SOPs that accurately reflect all phases of current laboratory activities, as required in Section 186.165 of this Part.
- n) The laboratory shall issue sample data or sample result reports accurately and in a manner that is understandable to the recipient. The basic information to be included in the report shall include the following:
  - 1) report title, such as "Certificate of Results" or "Laboratory Results" with the accreditation number, name, address and phone number of the laboratory;
  - 2) name and address of client and project;
  - 3) unique identification of the report (such as serial number) and of each page, and identification of the total number of pages. The laboratory may meet this requirement in several ways:
    - A) The total number of pages may be listed on the first page of the report, as long as the subsequent pages are identified by the unique report identification and consecutive numbers;
    - B) Each page is identified with the unique report identification, the pages are identified as a number of the total report pages, for example, 3 of 10, or 1 of 20; or
    - C) Other methods of identifying the pages in the report may be acceptable as long as it has discrete pages which are associated with a specific report, and the report contains a specified number of pages;
  - 4) description and identification of samples (including client ID code);
  - 5) date of sample receipt, sample collection and sample analysis (time of sample preparation and analysis if the required holding time for either activity is less than or equal to 48 hours);

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- 6) approved test method utilized;
- 7) sample results with any failures or deviations from approved test methods or QC criteria identified, such as data qualifiers;
- 8) signature, or name if electronic, and title of the individuals accepting responsibility for the content of the report and date of issue;
- 9) clear identification, including the lab name and accreditation number pursuant to the requirements set forth in Section 186.195 of this Part, of any sample results that were generated by a subcontracted laboratory;
- 10) a description of the calculations or operations performed on the data, a summary and analysis of the data, and a statement of conclusions drawn from the analysis;
- 11) identification of the reporting units, such as ug/L or mg/kg;
- 12) a statement that the report shall not be reproduced, except in full, without the written approval of the laboratory, where appropriate;
- 13) where applicable, a statement to the effect that the sample results relate only to the analytes of interest tested or to the sample as received by the laboratory;
- 14) where applicable, characterization and condition of the sample;
- 15) where applicable, reference to sampling procedure; and
- 16) clear, unequivocal identification of analytical results generated by an approved test method for which the laboratory is accredited in accordance with the laboratory's accreditation pursuant to this Part.
- o) The laboratory shall certify that the sample results meet all requirements of this Part or provide reasons which explain why they do not meet all requirements of this Part.
- p) After a laboratory delivers its sample data and sample result reports to the client, the laboratory shall only correct, add or delete information from the report when it supports those actions by supplementary documentation. Any supplemental report shall clearly identify its purpose and shall contain all reporting requirements specified in this Section.
- q) Laboratories that are operated by a facility and whose sole function is to provide data to the facility management for compliance purposes must provide the information required in subsections (n)(1) through (7), (10) and (11) above to management. The facility management must assure that the remaining items in subsection (n) above are added in the sample data and sample reports to the regulatory authority if such information is required.
- r) The laboratory shall pay particular care and attention to the arrangement of the report, especially with regard to presentation of the sample results and ease of assimilation by the reader. The format shall be carefully and specifically designed for each type of approved test method carried out, but the headings shall be standardized as far as possible.



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- s) The laboratory shall notify clients promptly, in writing, of any event such as identification of defective measuring or instrumentation that indicates that the laboratory's test results given in any sample data and sample result reports or amendment to a sample data and sample result reports are invalid.
- t) The laboratory shall ensure that, where clients require transmission of test results by telephone, telefacsimile or other electronic or electromagnetic means, laboratory personnel shall follow documented procedures that ensure that the requirements of this Part are met and that confidentiality is preserved.
- u) The laboratory shall follow subsection (d) above and these minimal evidentiary chain-of-custody procedures when processing samples for the purpose of litigation.
- 1) Laboratories accredited for drinking water analyses, when requested to analyze a sample for possible legal action against a public water supplier, shall use the evidentiary chain-of-custody procedures specified in the "Manual for the Certification of Laboratories Analyzing Drinking Water."
- 2) The laboratory shall establish and maintain the following basic requirements for evidentiary chain-of-custody:
- A) The evidentiary chain-of-custody records shall account for an unbroken possession of the sample while it is in the laboratory's custody.
- B) The evidentiary chain-of-custody records shall include signatures of all individuals who were involved with physically handling the samples and the time of day and calendar date that the sample was physically transferred from one individual to the next individual or to and from a controlled access storage area.
- C) A minimum number of persons shall be involved in sample handling.
- D) The laboratory shall limit the number of documents that are required to establish evidentiary chain-of-custody.
- E) The evidentiary chain-of-custody forms shall remain with the samples during transport or shipment.
- F) The laboratory shall control access to all evidentiary samples and subsamples and shall document this control as described in Section 186.185(j) of this Part.
- G) Transfer of samples, subsamples, digestates or extracts to another laboratory is subject to all of the requirements for evidentiary chain-of-custody.
- H) The laboratory shall ensure that sample containers which are shipped are sealed in such a manner so that tampering by unauthorized personnel is immediately evident.
- I) The laboratory shall ensure that, if required, individual sample containers shall be sealed in such a way to prevent tampering.
- J) The laboratory shall ensure that mailed packages of samples

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- be registered with return receipt requested. If such packages are sent by common carrier, receipts shall be retained as part of the permanent evidentiary chain-of-custody documentation.
- v) The laboratory shall maintain records of sample disposal practices including, where appropriate, the date of sample or subsample disposal and name of the responsible person.
- 1) If the sample is part of litigation, disposal of the physical sample shall occur only with the concurrence of the affected legal authority, sample data user and submitter of the sample.
- 2) If the sample is subject to evidentiary chain-of-custody, the laboratory shall document and retain a record of all conditions of disposal and all correspondence between all parties concerning the final disposition of the physical sample.
- 3) If the sample is subject to evidentiary chain-of-custody, the sample records shall indicate the date of disposal, the nature of disposal (such as sample depleted, sample manifested to a hazardous waste facility, sample returned to client), and the identity of the individual who performed the task.
- 4) Each laboratory shall have waste collection, storage, recycling, and disposal procedures and policies as part of their SOPs. Where disposal practices are included as part of an approved test method, the laboratory shall strictly follow the approved test method's disposal practices. While more specific disposal criteria are not an aspect of this accreditation program, the laboratory should apply appropriate Federal, state, and local disposal practices as a part of good laboratory procedures.
- w) The laboratory shall have a documented policy and procedures for the resolution of complaints received from clients or other parties about the laboratory's activities.
- 1) The laboratory shall audit the laboratory activities as required in Section 186.160(d) of this Part resulting from a complaint, or any other circumstance that impacts the laboratory's compliance with:
- A) the laboratory's policies or procedures;
- B) the requirements of this Part; and
- C) the quality of the laboratory's calibration or tests.
- 2) The laboratory shall maintain records of the complaint and the laboratory's subsequent actions.
- x) The laboratory shall document the management review of the QAP.

## Section 186.195 Subcontracting

- a) Any accredited laboratory that subcontracts accredited analytical work to another laboratory shall establish that the contracted laboratory has been accredited under this Part for the appropriate fields of testing, approved test methods and analytes.
- b) The laboratory shall ensure and have the ability to demonstrate that

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the subcontracted laboratory meets the criteria of this Part by retaining a copy of the most recent certificate issued by the Agency to the subcontracted laboratory.

- c) The laboratory shall notify the client in writing of the laboratory's intention to subcontract any portion of the analytical work to another accredited laboratory.
- d) The name and accreditation number of the laboratory actually performing the analysis shall be stated on all reports of analytical sample results.
- e) The laboratory shall maintain a record of all laboratories to which it subcontracts analytical work.

**Section 186.200 Reciprocity**

a) Notwithstanding any other provision of this Part, the Director may elect to enter into reciprocal agreements with the governments of other states or with federal governmental units for recognition of their environmental laboratory on-site evaluations and accreditations. Recognition under reciprocity will occur when the accreditation program is equivalent to this Part. If a reciprocity agreement is revoked, all accreditations issued pursuant to this Section shall remain valid until their stated expiration dates.

- b) The Agency shall issue certificates which contain the elements specified in Section 186.130(d)(2) of this Part to laboratories granted accreditation through reciprocity.

**Section 186.205 Acceptance of Out-of-State Accreditation**

a) The Agency will consider acceptance of an out-of-state laboratory's accreditation by another state or federal certifying authority as accreditation pursuant to this Part if the laboratory and the other state or federal accrediting authority's accreditation program meet the following requirements:

- 1) The laboratory is accredited by the state accrediting authority of the state in which the laboratory is physically located or is accredited by a federal accrediting authority; and
  - 2) The state or federal accrediting authority's environmental laboratory accreditation requirements are equal to or exceed the requirements of this Part for the fields of testing, approved test methods and analytes for which accreditation is sought.
- b) If the laboratory is located in a state that does not offer environmental laboratory accreditation, the Agency will consider an out-of-state laboratory for accreditation if the laboratory meets the following requirements:
- 1) The laboratory holds an accreditation from another state or federal accrediting authority for the fields of testing, approved test methods and analytes for which accreditation pursuant to this Part is sought;

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- 2) The state or federal accrediting authority performed an on-site evaluation; and
  - 3) The state or federal accrediting authority's environmental laboratory accreditation requirements are equal to or exceed the requirements of this Part for the fields of testing, approved test methods and analytes for which accreditation is sought.
- c) The laboratory seeking acceptance of an out-of-state accreditation shall:

- 1) submit the most recent on-site evaluation deficiency report and the laboratory's response to specified on-site deficiencies;
  - 2) submit a copy of the certificate issued to the laboratory by the accrediting authority;
  - 3) submit an application package as specified in Section 186.125 of this Part, including a current copy of the state or federal accrediting authority's rules regarding environmental laboratory accreditation; and
  - 4) notify the Agency in writing within 30 days of changes in the state or federal accrediting authority's program requirements and changes in the laboratory's status of accreditation. If notification is not received within 30 days, the laboratory accreditation shall be denied or revoked as specified in Section 186.210 of this Part.
- d) The Agency shall assess the fees required under Section 17.8 of the Act for out-of-state accreditation.
  - e) The Agency or its designee may conduct an on-site evaluation or issue PE samples to a laboratory for the purpose of addressing questions which may include, but are not limited to, complaints from the public, requests from Agency personnel, discrepancies with PE sample results, on-site deficiencies, frequent errors in reporting data to the Agency, and suspicions of fraud regarding data quality. The laboratory shall pay for travel costs.
  - f) The Agency shall issue certificates which contain the elements specified in Section 186.130(d)(2) of this Part to laboratories granted accreditation through acceptance of out-of-state accreditation.

**Section 186.210 Suspension, Revocation and Denial of Accreditation**

a) Failure to comply with the requirements of this Part may lead to suspension of accreditation, revocation of accreditation, or denial of a laboratory's accreditation request. The Agency will evaluate the following factors when changing a laboratory's accreditation status:

- 1) the length of time during which the failure has existed;
- 2) the laboratory's past record of failures and response in correcting failures noted by the Agency;
- 3) whether the laboratory knowingly caused or allowed the failure; and
- 4) the potential effect of the failure on the quality of analytical

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- data generated by the laboratory.
- b) The Agency may suspend a laboratory's accreditation in whole or in part if the laboratory fails:
- 1) to complete, comply, maintain, revise, or replace any of the accreditation elements listed in Section 186.130(b)(3) through (12) and (14) through (17) of this Part; or
  - 2) to comply with the requirements regarding the use of the certificate of approval, scope of accreditation, or Agency Logo as specified in Section 186.130(d) of this Part.
- c) The Agency will:
- 1) Suspend a laboratory's accreditation in whole or in part if the laboratory fails:
    - A) to notify the Agency as required in Section 186.130(e) of this Part; or
    - B) to successfully analyze PE samples on two consecutive PE studies as specified in Section 186.170(n) of this Part.
  - 2) Suspend the accreditation of a laboratory accredited pursuant to Section 186.200 of this Part or Section 186.205 of this Part if the initial accrediting authority suspends accreditation.
  - d) A suspended laboratory shall not continue to analyze samples and represent the analyses as conducted pursuant to accreditation under this Part for the affected approved test methods or analytes.
    - 1) A suspension caused by the failure to successfully analyze PE samples on two consecutive occasions pursuant to Section 186.170(n) of this Part is effective immediately upon the laboratory's receipt of notification of the suspension pursuant to subsection (g) below.
    - 2) The Agency will change the laboratory's suspended status to accredited status when the laboratory demonstrates to the Agency that it complies with the accreditation elements listed in Section 186.130(b), (d), and (e) of this Part, Section 186.170(n)(4) or corrects other deficiencies that led to the suspension.
  - 3) If the laboratory fails to correct the causes of suspension within six months after the effective date of the suspension, the Agency will revoke the laboratory's accreditation.
- e) The Agency will revoke:
- 1) a laboratory's accreditation in whole or in part for:
    - A) failure to correct deficiencies in the application package, pursuant to Section 186.125(c)(1), (2) or (3) or (e)(1)(D)(ii) of this Part;
    - B) failure to correct the causes of suspension pursuant to subsections (b) and (c) of this Section before the expiration of the period of suspension or provide correct information in the application package pursuant to Section 186.135(e)(2) of this Part;
    - C) failure to submit a plan of corrective action as specified in Section 186.135(f)(4) of this Part and Section

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- 186.135(g)(3) of this Part;
- D) failure to correct deficiencies as noted in Section 186.135(h)(2) and (3) of this Part;
  - E) submitting unacceptable results on three consecutive PE samples as specified in Section 186.170(n) of this Part. A revocation caused by the failure to successfully analyze PE samples on three consecutive PE studies pursuant to Section 186.170(n) of this Part is effective immediately upon the laboratory's receipt of notification of the revocation pursuant to subsection (g) below; or
  - 2) for a laboratory whose accreditation is issued pursuant to Section 186.200 of this Part or Section 186.205 of this Part, the accreditation of the laboratory if the applicable initial accrediting authority revokes the laboratory's accreditation.
- f) The Agency will revoke a laboratory's accreditation in whole if the laboratory:
- 1) falsifies results of testing;
  - 2) falsifies the results of PE samples;
  - 3) falsifies any information material to the laboratory's accreditation;
  - 4) is convicted of charges of the falsification of any report of or relating to a laboratory analysis;
  - 5) does not comply with Section 186.130(d)(5) through (10) of this Part;
  - 6) engages in interlaboratory communication regarding a PE sample, pursuant to Section 186.170(j)(1) of this Part;
  - 7) sends a PE sample to another laboratory and submits the results of analysis to the Agency, pursuant to Section 186.170(k)(1) of this Part;
  - 8) knowingly receives for analysis and participates in the falsification of PE results, pursuant to Section 186.170(k)(3) of this Part; or
  - 9) attempts to obtain the true values of PE samples prior to reporting deadlines, pursuant to Section 186.170(l)(1) of this Part.
- g) The Agency will notify a laboratory of suspension, revocation or denial of accreditation by sending a certified letter to the laboratory's director.
- 1) The revocation, suspension or denial letter shall provide a narrative reason for the actions.
  - 2) The Agency will remove an accredited laboratory's name from the Agency's publication listing accredited laboratories, described in Section 186.130(g) of this Part, when the laboratory's accreditation is revoked in whole.
  - 3) A laboratory may appeal a decision of suspension, revocation or denial of accreditation according to Section 186.215 of this Part.
  - 4) All revocations for causes stated in subsection (f) above are



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effective for a minimum of six months.

5) Laboratories that appeal suspension or revocation shall notify their clients of the pending proceedings.

A) The notice of a pending suspension or revocation proceeding must be in writing and affixed to all correspondence where the laboratory references its accreditation status and all reports of analyses conducted by the laboratory during the pendency of the proceedings. The words "suspension" or "revocation" must be utilized by the laboratory in this notification.

B) The laboratory shall affix the reasons for the proceedings to the notification pursuant to subsection (g)(5)(A).

C) The laboratory may add additional information and explanation to this notice.

h) A revoked laboratory shall not continue to analyze samples and represent the analyses as conducted pursuant to accreditation under this Part for the affected approved test methods or analytes.

1) A laboratory whose accreditation has been revoked pursuant to subsection (e)(1)(A),(B),(C) or (D) or (e)(2) may immediately reapply for accreditation.

2) A laboratory whose accreditation has been revoked pursuant to subsection (e)(1)(E) may reapply for accreditation pursuant to Section 186.170(n)(6) of this Part.

3) A laboratory whose accreditation has been revoked pursuant to subsection (f) may apply for accreditation six months after the effective date of the revocation.

i) The Agency may summarily suspend the accreditation of any laboratory pending suspension or revocation, pursuant to Section 186.215 of this Part.

1) Analysis conducted by the laboratory while summarily suspended may not be utilized for drinking water compliance purposes.

2) The laboratory must clearly indicate in all reports that its accreditation has been summarily suspended pending suspension or revocation proceedings and that analytical results may not be utilized for drinking water compliance purposes.

3) Any suspension or revocation for failure to comply with Section 186.170(n) of this Part is effective immediately upon receipt of notification of the suspension or revocation.

4) For all other analyses, the laboratory must clearly indicate on all analyses reports that its accreditation has been summarily suspended by the Agency pending proceeding pursuant to Section 186.215 of this Part.

5) Laboratories subject to summary suspension shall be afforded a hearing pursuant to Section 186.215(a)(2) of this Part.

j) The Agency will deny an applicant laboratory's request for accreditation for failure to comply with the requirements of this Part.

1) A laboratory whose accreditation request is denied pursuant to

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Section 186.170(j)(2), (k)(2), (k)(4), or (l)(2) of this Part or for fraud in the application process may reapply for accreditation six months after the effective date of the denial.

2) Any other laboratory may immediately reapply for accreditation.

3) A laboratory whose accreditation request is denied may appeal that decision by following the provisions of Section 186.215 of this Part.

## Section 186.215 Hearing, Decision and Appeal

a) The following procedures apply to all accreditation actions that are required by law to be preceded by notice and an opportunity to be heard. These actions include suspension, revocation, and denial of accreditation. Prior to revocation of accreditation, the Agency shall give written notice of revocation by certified mail to the laboratory's director. The notice shall state the facts or conduct and the Sections of this Part that form the basis for the revocation decision. The notice of revocation letter shall also state the effective date of the revocation and set forth the procedures for requesting a hearing.

1) All revocations, except revocations pursuant to Section 186.170(n)(5) of this Part, are effective 15 days after the laboratory receives the notice of revocation letter, unless the laboratory files a written notice of appeal prior to the 15th day. The Agency shall not extend the 14 day appeal period. The notice of appeal shall be filed with the Agency by certified mail, hand delivery, or telefacsimile followed by certified mail in care of the Manager, Division of Laboratories, 1340 N. Ninth Street, P.O. Box 19276, Springfield, Illinois 62794-9276.

2) Revocations pursuant to Section 186.170(n)(5) of this Part are effective immediately. The laboratory may request a hearing pursuant to the provisions of subsection (c).

b) Prior to suspension of accreditation, the Agency shall give written notice of the suspension by certified mail to the laboratory's director. The notice of suspension shall state the facts or conduct and the Sections of this Part that form the basis for the decision. The notice of suspension letter shall also state the effective date of the suspension and set forth the procedures for requesting a hearing.

1) All suspensions, except for suspensions pursuant to Section 186.170(n)(2) of this Part, are effective 15 days after the laboratory receives the notice of suspension letter, unless the laboratory files a written notice of appeal prior to the 15th day. The Agency shall not extend the 14 day appeal period. The notice of appeal shall be filed with the Agency by certified mail, hand delivery, or telefacsimile followed by certified mail in care of the Manager, Division of Laboratories, 1340 North Ninth Street, P.O. Box 19276, Springfield, Illinois 62794-9276.

2) Suspensions pursuant to Section 186.170(n)(2) of this Part are

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effective immediately. The laboratory may request a hearing pursuant to the provisions of subsection (c).

- c) Notwithstanding any other provision in this Part, if the Agency finds that the public interest, safety, or welfare imperatively requires emergency action and if the Agency incorporates this finding in its notice of revocation or suspension, or for revocations or suspensions pursuant to Section 186.170(n)(2) or (n)(5) of this Part, summary suspension of all or part of a laboratory's accreditation may be ordered, pending proceedings for revocation or suspension as provided in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]. The hearing on revocation or suspension shall be promptly initiated and determined after the filing of a notice of appeal by a laboratory subject to summary suspension pending revocation or suspension proceedings.

- d) The Agency shall give written notice of its denial of an accreditation request by certified mail to the laboratory director. The laboratory may appeal the decision by filing a notice of appeal with the Agency within 14 days after receipt of the notice of denial letter. The notice of appeal shall be filed with the Agency by certified mail, hand delivery, or telefacsimile followed by certified mail in care of the Manager, Division of Laboratories, 1340 North Ninth Street, P.O. Box 19276, Springfield, Illinois 62794-9276.

- e) All hearings pursuant to this Part shall be held in Springfield, Illinois. Should a hearing be requested, the Director shall appoint one or more Agency employees or may appoint a nonagency employee to chair the proceedings. The hearing shall be conducted in accordance with the hearing requirements of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10].

- f) The Director shall make a decision within 30 days after receiving the hearing transcript. The Director shall give written notice by certified mail of the decision, including its basis, to the laboratory director.

- g) Within 35 days after its receipt of a notice of decision pursuant to subsection (f), the laboratory may file an appeal to the Illinois Pollution Control Board.

**Section 186.220 Confidential Documents**

Information maintained or obtained by the Agency concerning each accredited laboratory, applicant laboratory, or entity petitioning the Agency for approval of its PE program or entity whose PE program has been approved by the Agency is available for public inspection pursuant to the terms of the Freedom of Information Act [5 ILCS 140], Section 7 and Section 7.1 of the Act and regulations promulgated pursuant to those Acts (2 Ill. Adm. Code 1826, 2 Ill. Adm. Code 1827). Information identified as trade secret or confidential business information that meets the requirements of the Act, the Freedom of Information Act or the regulations will not be subject to release under the Freedom of Information Act. Those asserting the confidentiality of documents

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are urged to follow the procedures of 2 Ill. Adm. Code 1826 and 1827.

**Section 186.225 Severability**

If any provision of this Part is adjudged invalid, or if its application to any person or in any circumstance is adjudged invalid, such invalidity does not affect the validity of this Part as a whole, or any other Subpart, Section, subsection, sentence or clause not adjudged invalid.

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Analyte	MDL
Dicamba	0.3 ug/L
3-Hydroxycarbofuran	2.0 ug/L
Methomyl	0.5 ug/L
Metolachlor	0.8 ug/L
Metribuzin	0.2 ug/L
Propachlor	0.5 ug/L
<b>Inorganics</b>	
Antimony	6 ug/L
Arsenic	50 ug/L
Asbestos	7 MFL (millions of fibers per liter)
Barium	2000 ug/L
Beryllium	4 ug/L
Cadmium	5 ug/L
Calcium	NA
Chloride	250 mg/L
Chromium	100 ug/L
Copper	1000 ug/L
Cyanide	200 ug/L
Fluoride	2000 ug/L
Iron	300 ug/L
Lead	15 ug/L
Manganese	50 ug/L
Mercury	2.0 ug/L
Nickel	100 ug/L
Nitrate	5.0 mg/L
Nitrite	500 ug/L
pH	NA
Selenium	50 ug/L
Silver	100 ug/L
Sodium	NA
Sulfate	250 mg/L
TDS	500 mg/L
Thallium	2 ug/L
Total Alkalinity	NA
Zinc	5000 ug/L
<b>Volatile Organic Compounds (VOCs)</b>	
1,2,4-Trichlorobenzene	0.5 ug/L
1,1-Dichloroethylene	0.5 ug/L
1,1,2-Trichloroethane	0.5 ug/L
1,2-Dichloroethane	0.5 ug/L
1,2-Dichloropropane	0.5 ug/L
1,1,1-Trichloroethane	0.5 ug/L
Benzene	0.5 ug/L

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Section 186.APPENDIX A Required Method Detection Limits (MDL) or Pattern Recognition Levels (PRL) for Drinking Water Laboratory Accreditation

Analyte	MDL
<b>Synthetic Organic Compounds (SOCs)</b>	
2,4-D	7 ug/L
2,3,7,8-TCDD (Dioxin)	5x10(-6) ug/L
2,4,5-TP (Silvex)	5 ug/L
Alachlor	0.2 ug/L
Aldicarb	1 ug/L
Aldicarb Sulfone	1 ug/L
Aldicarb Sulfoxide	1 ug/L
Aldrin	0.1 ug/L
Atrazine	0.3 ug/L
Benzo(a)pyrene	0.02 ug/L
Carbofuran	4 ug/L
Chlordane	0.2 ug/L
Dalapon	20 ug/L
DDT	5 ug/L
Di(2-ethylhexyl)phthalate	0.6 ug/L
Di(2-ethylhexyl)adipate	40 ug/L
Dibromochloropropane (DBCP)	0.02 ug/L
Diendrin	0.1 ug/L
Dinoseb	0.7 ug/L
Diquat	2 ug/L
Endothall	10 ug/L
Endrin	0.2 ug/L
Ethylene dibromide (EDB)	0.04 ug/L
Glyphosate	70 ug/L
Heptachlor Epoxide	0.02 ug/L
Heptachlor	0.04 ug/L
Hexachlorobenzene	0.1 ug/L
Hexachlorocyclopentadiene	5 ug/L
Lindane	0.02 ug/L
Methoxychlor	4 ug/L
Oxamyl (vydate)	20 ug/L
PCBs as decachlorobiphenyl	0.4 ug/L
Pentachlorophenol (PCP)	0.1 ug/L
Picloram	50 ug/L
Simazine	0.4 ug/L
Toxaphene	1 ug/L
<b>Unregulated SOCs</b>	
Butachlor	0.4 ug/L
Carbaryl	2.0 ug/L



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Analyte	MDL
Carbon tetrachloride	0.5 ug/L
cis-1,2-Dichloroethylene	0.5 ug/L
Dichloromethane	0.5 ug/L
Ethylbenzene	0.5 ug/L
Monochlorobenzene	0.5 ug/L
O-Dichlorobenzene	0.5 ug/L
para-Dichlorobenzene	0.5 ug/L
Styrene	0.5 ug/L
Tetrachloroethylene	0.5 ug/L
Toluene	0.5 ug/L
trans-1,2-Dichloroethylene	0.5 ug/L
Trichloroethylene	0.5 ug/L
Vinyl chloride	0.5 ug/L
Xylenes (total)	0.5 ug/L
<b>Unregulated VOCs</b>	
1,2,3-trichloropropane	0.5 ug/L
1,1,1,2-tetrachloroethane	0.5 ug/L
cis-1,3-dichloropropene	0.5 ug/L
hexachlorobutadiene	0.5 ug/L
trans-1,3-dichloropropene	0.5 ug/L
<b>Total Trihalomethanes (THMs)</b>	
Bromodichloromethane	NA
Bromoform	NA
Chlorodibromomethane	NA
Chloroform	NA
<b>Polychlorinated Biphenyls (PCBs)</b>	
as Aroclors	PRL
Aroclor 1016	0.26 ug/L
Aroclor 1221	0.19 ug/L
Aroclor 1232	0.23 ug/L
Aroclor 1242	0.26 ug/L
Aroclor 1248	0.30 ug/L
Aroclor 1254	0.33 ug/L
Aroclor 1260	0.36 ug/L

NA: Accreditation offered; however, there is no applicable MDL.

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Heading of the Part: Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories

- 2) Code Citation: 35 Ill. Adm. Code 183
- 3) Section Numbers: Adopted Action:  
 183.115 Amendment  
 183.120 Amendment  
 183.150 Amendment  
 183.205 Repeal  
 183.210 Repeal  
 183.215 Repeal  
 183.220 Repeal  
 183.225 Repeal  
 183.230 Repeal  
 183.231 Repeal  
 183.235 Repeal  
 183.240 Repeal  
 183.245 Repeal  
 183.250 Repeal  
 183.255 Repeal  
 183.Appendix A Repeal  
 183.Appendix B Repeal
- 4) Statutory Authority: Implementing and authorized by Sections 4(o) and (p) of the Illinois Environmental Protection Act [415 ILCS 5/4(o) and (p)]; Section 1401(1)(D) of the Safe Drinking Water Act (42 USC 300f (1)(D)); Subpart C of the National Interim Primary Drinking Water Regulations (40 CFR 141.21 through 141.30) and the Clean Water Act (32 USC 1251).
- 5) Effective Date of Rule: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's principal office: January 9, 1998
- 9) Notice of Proposal Published in the Illinois Register: 21 Ill. Reg. 6948, June 13, 1997
- 10) Has JCAR issued a Statement of Objections to these rules: No
- 11) Differences between proposal and final version:

1. The words "Illinois Environmental Protection Agency" are not deleted

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from the title of the Part.

- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this proposed rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? On January 2, 1997 at 22 Ill. Reg. 23, the Environmental Protection Agency, Department of Public Health and Department of Nuclear Safety proposed a Joint Repeal of Part 183.
- 15) Summary of Purpose of Rulemaking: This rulemaking enables the Illinois EPA to adopt a new set of accreditation regulations (proposed 35 Ill. Adm. Code 186) that comply with a national guideline established by the National Environmental Laboratory Accreditation Conference and participate in a pilot program for the implementation of the national standards. The amendments must be adopted in January 1998 to enable the State's participation in the pilot program.
- 16) Requests for information and questions regarding this adopted rule may be directed to:

John P. Anderson  
Manager, Division of Laboratories  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-6455

The full text of the Adopted Rule begins on the next page:

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

## PART 183

JOINT RULES OF THE ILLINOIS ENVIRONMENTAL PROTECTION  
AGENCY, THE ILLINOIS  
DEPARTMENT OF PUBLIC HEALTH  
AND THE ILLINOIS DEPARTMENT OF NUCLEAR SAFETY:  
CERTIFICATION AND OPERATION OF ENVIRONMENTAL LABORATORIES

## SUBPART A: GENERAL PROVISIONS

Section	
183.105	Authority
183.110	Scope and Applicability
183.115	Definitions
183.120	Division of Authority
183.125	Certification Procedure
183.130	Conditions Governing the Use of Certificates
183.131	Provisional Certification
183.132	Preliminary Certification
183.133	Changes in Ownership or Operations
183.134	Revocation of Certification
183.135	Subcontracting by Certified Laboratories
183.140	Performance Evaluation Samples
183.145	Authority of Certification Officers
183.150	Hearing, Decision and Appeal
183.155	Liability
183.160	Reciprocity Agreements
183.165	Reporting (Repealed)
183.170	Public Inspection of Records (Repealed)

SUBPART B: CHEMICAL ANALYSES OF PUBLIC  
WATER SUPPLY SAMPLES

Section	
183.205	Scope and Applicability (Repealed)
183.210	Personnel Requirements (Repealed)
183.215	Laboratory Facilities (Repealed)
183.220	Laboratory Equipment (Repealed)
183.225	General Laboratory Practices (Repealed)
183.230	Methodology and Required Equipment (Repealed)
183.231	Alternate Analytical Techniques (Repealed)
183.235	Sample Collection, Handling and Preservation (Repealed)
183.240	Quality Control (Repealed)
183.245	Record Maintenance (Repealed)
183.250	Free Chlorine Residual and Turbidity (Repealed)

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183.255 Action Response to Laboratory Results (Repealed)  
SUBPART C: MICROBIOLOGICAL ANALYSES OF  
PUBLIC WATER SUPPLY SAMPLES

- Section  
183.305 Scope and Applicability  
183.310 Personnel Requirements  
183.315 Laboratory Facilities  
183.320 Laboratory Equipment  
183.325 Laboratory Glassware, Plastic Ware and Metal Utensils  
183.330 General Laboratory Practices  
183.335 Methodology  
183.340 Sample Collection, Handling and Preservation  
183.345 Standards for Laboratory Pure Water  
183.350 General Quality Control Procedures  
183.355 Quality Controls for Media, Equipment and Supplies  
183.360 Data Handling  
183.365 Record Maintenance  
183.370 Action Response to Laboratory Results

SUBPART D: RADIOCHEMICAL ANALYSES OF PUBLIC  
WATER SUPPLY SAMPLES

- Section  
183.405 Scope and Applicability  
183.406 Length of Certification for Radiochemical Laboratories  
183.410 Personnel Requirements  
183.415 Laboratory Facilities  
183.420 Laboratory Equipment and Instrumentation  
183.425 General Laboratory Practices  
183.430 Analytical Methodology  
183.435 Sample Collection, Handling and Preservation  
183.440 Quality Assurance  
183.445 Record Maintenance  
183.450 Action Response to Laboratory Results

APPENDIX A Methodology and Required Equipment for Inorganic Chemical  
Analyses of Public Water Supply Samples (Repealed)  
APPENDIX B Methodology and Required Equipment for Regulated Organic  
Chemical Analyses of Public Water Supply Samples (Repealed)

AUTHORITY: Implementing Section 140(1)(D) of the Safe Drinking Water Act (42  
USC 300f(1)(D)), Subpart C of the National Primary Drinking Water Regulations  
(40 CFR 141.21 through 141.30 (1991)), the Illinois Environmental Protection  
Act (415 ILCS 5) and the Civil Administrative Code of Illinois (20 ILCS 5) and  
authorized by Section 4(o) and (p) of the Illinois Environmental Protection Act  
[415 ILCS 5/4(o) and (p)] and Sections 55.10 through 55.12 and Section 71 of

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the Civil Administrative Code of Illinois [20 ILCS 2310/55.10 through 55.12 and  
20 ILCS 2005/71].

SOURCE: Adopted at 3 Ill. Reg. 34, p. 103, effective August 19, 1979; codified  
at 6 Ill. Reg. 14657; amended at 7 Ill. Reg. 13523, effective September 28,  
1983; amended at 14 Ill. Reg. 8592, effective May 16, 1990; amended at 17 Ill.  
Reg. 12319, effective July 14, 1993; amended at 20 Ill. Reg. 3160, effective  
February 5, 1996; amended at 22 Ill. Reg. 2643, effective  
MAY 4 1998.

SUBPART A: GENERAL PROVISIONS

Section 183.115 Definitions

For purposes of this Part unless otherwise specifically defined or the context  
clearly requires a different meaning:

"Act" means Section 4(o) and (p) of the Environmental Protection Act  
[415 ILCS 5/4(o) and (p)].

"Agency" means the Illinois--Environmental--Protection--Agency; the  
Illinois Department of Public Health; or the Illinois Department of  
Nuclear Safety, whichever is applicable based on the division of  
authority specified in Section 183.120.

"Analyst" means any person who performs analyses for certain or all  
parameters on samples submitted to the environmental laboratory and  
who meets the qualifications set forth in the applicable Subpart of  
this Part.

"Certification" means a status of approval granted to an environmental  
laboratory that meets the criteria established by this Part or in  
accordance with a reciprocity agreement entered into pursuant to  
Section 183.160. Certification is not a guarantee of the validity of  
the data generated.

"Certification Officer" means any person who is designated by the  
Agency to inspect and evaluate environmental laboratories for  
compliance in meeting the criteria set forth in this Part.  
Certification officers shall meet the educational and experience  
qualifications for laboratory directors as set forth in Subparts B and  
D or laboratory supervisors as set forth in Subpart C.

"Consultant" means a person who is retained by a written agreement to  
provide professional consultation services.

"Deficiency" means a failure of an environmental laboratory to meet  
any applicable requirement of this Part.



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"Environmental Laboratory" means any facility that performs analyses on environmental samples in order to determine the quality of food, milk, public water supplies, surface water, ground water, recreational waters, wastewater, air, or land.

"Laboratory Director" means the person who is responsible for the operation of an environmental laboratory and who meets the qualifications set forth in the applicable Subpart of this Part.

"Laboratory Pure Water" means water meeting the standards set forth in Section 183.345.

"Laboratory Supervisor" means a person who supervises the performance of the analytical procedures within an environmental laboratory and who meets the qualifications set forth in the applicable Subpart of this Part.

"Major remodeling" means any remodeling of the laboratory facility which requires the acquisition of a local building permit.

"Parameter" means a chemical element, chemical compound, radioisotope or microbiological organism.

"Performance Evaluation Sample" (PES) means a sample used to determine accuracy, prepared either by the certifying agency or an authority recognized by the certifying agency, in which the true value and acceptance limits are unknown to the laboratory at the time of analysis.

"Provisional Certification" means a certification status granted to an environmental laboratory in order to allow time for the correction of a deficiency. Failure to correct a deficiency during the provisional certification period allows the Agency to revoke certification as specified in Section 183.134. While on provisional certification, an environmental laboratory remains approved for the analyses covered by its certification.

"Public Water Supply" means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year.

"Senior Analyst" means a person who performs analyses on samples submitted to the environmental laboratory and who meets the

## ENVIRONMENTAL PROTECTION AGENCY

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qualifications set forth in the applicable Section of this Part.

(Source: Amended at 22 Ill. Reg. 5648-1, effective  
MAR 4 1986)

## Section 183.120 Division of Authority

a) The Illinois Environmental Protection Agency shall administer this Part with respect to the analysis of organic and inorganic chemical parameters.

ab) The Illinois Department of Public Health shall administer this Part with respect to the analysis of microbiological parameters.

bc) The Illinois Department of Nuclear Safety shall administer this Part with respect to the analysis of radiological parameters.

(Source: Amended at 22 Ill. Reg. 5648-1, effective  
MAR 4 1986)

## Section 183.150 Hearing, Decision and Appeal

The following procedures are established for Agency certification actions which are required by law to be preceded by notice and opportunity for hearing:

a) Prior to revocation or partial revocation, the Agency shall give written notice to the laboratory director or owner. This notice shall include a description of the proposed action, the facts or conduct upon which the Agency will rely to support its proposed action and the procedures for requesting a hearing.

b) Notice given under subsection (a) above and any hearing requested following issuance of such notice shall be in accordance with the "Rules of Practice and Procedure in Administrative Hearings" as adopted by the Illinois Department of Public Health. A single joint hearing may be conducted when a hearing is requested concerning actions of more than one Agency.

† With respect to the Illinois Environmental Protection Agency, the Rules of Practice and Procedure in Administrative Hearings, 177 Ill. Adm. Code 100, are applicable only to hearings under this Section and the included definitions of--Department--and--the--Illinois--Environmental--Protection Agency.

† With respect to the Illinois Environmental Protection Agency, the Rules of Practice and Procedure in Administrative Hearings, 177 Ill. Adm. Code 100, are applicable only to hearings under this Section and the included definitions of "Department" and "Director" are modified as follows:

"Department" shall mean the Department of Nuclear Safety.  
"Director" shall mean the Director of the Illinois Environmental Protection Agency.  
"Rules of Practice and Procedure in Administrative Hearings" shall mean the "Rules of Practice and Procedure in Administrative Hearings" (77 Ill. Adm. Code 100) are applicable only to hearings under this Section and the included definitions of "Department" and "Director" are modified as follows:

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"Director" shall mean the Director of the Department of Nuclear Safety.

c) If, however, the Agency finds that an emergency situation warrants immediate action, summary suspension as provided for by Section 10-65(d) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1993, ch. 127, par. 1810-65(d)) [5 ILCS 100/10-65(d)] may be ordered pending revocation proceedings. An emergency situation warrants immediate action if there is substantial risk to public health, safety, or welfare resulting from laboratory deficiencies that are compromising or are likely to compromise the analytical results obtained.

d) A final decision of the Director of the Illinois Department of Public Health or the Director of the Illinois Department of Nuclear Safety is appealable to the Circuit Courts under the Illinois Administrative Review Act (Ill. Rev. Stat. 1993, ch. 110, pars. 9-10 et seq.) [735 ILCS 5/Art. II, 9-10 et seq.]. A final decision of the Director of the Illinois Environmental Protection Agency may be contested before the Pollution Control Board under the Illinois Environmental Protection Act (Ill. Rev. Stat. 1993, ch. 111, 427, pars. 1-10 et seq.) [415 ILCS 5/1 et seq.] with subsequent appeal to the Appellate Courts available.

(Source: Amended at 22 Ill. Reg. effective  
MAR 4 1993)

SUBPART B: CHEMICAL ANALYSES OF PUBLIC  
WATER SUPPLY SAMPLES

Section 183.205 Scope and Applicability (Repealed)

This Subpart-B establishes standards applicable to environmental laboratories involved in chemical analyses of samples of water from public water supplies and their sources:

(Source: Repealed at 22 Ill. Reg. effective  
MAR 4 1993)

Section 183.210 Personnel Requirements (Repealed)

a) The laboratory director shall be a person holding a minimum of a bachelor's degree in natural or physical sciences with at least 24 semester hours in chemistry or microbiology or both, and shall have had a minimum of two years' experience in an environmental laboratory. The laboratory director shall be either a full-time employee or a consultant.

b) A laboratory supervisor shall be a person holding a minimum of a bachelor's degree in natural or physical sciences that includes the number of credit hours in chemistry courses required for a major in

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chemistry and shall have had a minimum of one year of experience in the area of analytical responsibility. A laboratory supervisor shall be a full-time employee.

c) Instrument operators who operate atomic absorption (AA) ion chromatograph (IC), gas chromatograph (GC), gas chromatograph/mass spectrometer (GC/MS), and/or inductively coupled plasma (ICP) shall meet the following required minimum standards:

- 1) Hold a bachelor's degree in chemistry or related field. This degree requirement may be waived if the immediate supervisor has a bachelor's degree in chemistry or related field or if the analyst has the number of credit hours in chemistry courses required for a major in chemistry.
- 2) Have a minimum of six months' experience on the instrument being operated except for a GC/MS where a minimum of 12 months' experience is required. (See subsection (e) below).
- 3) Operators of either a GC/MS or ICP also shall have satisfactorily completed a short course in GC/MS or ICP offered by the equipment manufacturer, professional organization, university, or other qualified training facility.

- 4) After appropriate training, the operator must demonstrate acceptable results in the analysis of an applicable quality control or performance evaluation sample.
- d) An analyst is a person who holds a high school diploma or its equivalent and has demonstrated the ability to properly obtain acceptable results in the analysis of an applicable quality control or performance evaluation sample.

- e) Data produced by analysts and instrument operators while in the process of obtaining the required training or expertise are acceptable when reviewed and validated by a fully qualified analyst or the laboratory supervisor.

- f) A person who, as of the effective date of these amendments, is serving in an environmental laboratory in any capacity as defined in subsections (a) through (e) above and does not meet the educational requirements or experience requirements or both for said position may be recommended to continue to serve in said position by the certification officer in recommending that an existing laboratory director, laboratory supervisor, or analyst continue to serve in that position. The certification officer shall take into account the following factors:

- 1) Length of experience as an offset for not meeting educational requirements.
- 2) Extent of education as an offset for not meeting experience requirements, and
- 3) For analysts, demonstration of ability to properly perform representative test procedures with which he or she is involved while under observation by the certification officer.

(Source: Repealed at 22 Ill. Reg. effective  
MAR 4 1993)



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## Section 183.215 Laboratory Facilities (Repealed)

The laboratory's physical facilities shall meet the following specifications:

- a) A minimum of 150-200 square feet of floor space shall be provided for each analyst.
- b) A minimum of 15 linear feet of useable bench space shall be provided for each analyst.
- c) The laboratory shall include a sink with hot and cold running water. All water supply outlets shall be protected by approved vacuum breakers.
- d) The laboratory shall include a vacuum source if the analyses performed so require.
- e) The laboratory shall have a readily available source of distilled water or deionized water or both.
- f) The laboratory shall include at least one fume hood for analyses of organic chemicals and trace metals.
- g) The laboratory shall maintain the inorganic and organic facilities in separate rooms.
- h) The analytical and sample storage area shall be isolated from all potential sources of contamination.

(Source: Repealed at 22 Ill. Reg. 5643, effective

MAR 4 1998)

## Section 183.220 Laboratory Equipment (Repealed)

Only those instruments that are needed to analyze for the parameters for which the laboratory is being certified are required. Those instruments shall meet the requirements of the applicable methods. Minimal equipment requirements are:

- a) An analytical balance shall provide a sensitivity of at least 0.1 mg and shall be placed on a stable base.
- b) A magnetic stirrer shall be of variable speed and use a Teflon-coated stirring bar.
- c) A pH meter shall have an accuracy of at least plus or minus 0.1 units and a scale readability of at least plus or minus 0.1 units. The pH meter may be either a bench or battery/portable operated and also shall be capable of functioning with specific ion electrodes.
- d) A conductivity meter and cell combination suitable for checking distilled water quality shall be readable in ohms or mhos and have a range of up to 2.5 megohm-cm resistivity (conductivity down to 0.4 micromhos/cm) plus or minus 1 percent. The conductivity meter may be either a bench or battery/portable operated.
- e) A hot plate may be a large or small unit and shall have a selectable temperature control for safe heating of laboratory reagents.
- f) A refrigerator used for storage of organics and flammable materials

## ENVIRONMENTAL PROTECTION AGENCY

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shall be an "explosion proof" type. For storage of organics and flammable materials when refrigeration is not required, an explosion proof cabinet shall be provided. A refrigerator for the general storage of aqueous reagents and samples may be a standard kitchen type domestic refrigerator.

- g) Glassware which is used for purposes that may subject it to damage from heat or chemicals shall be of borosilicate glass. All volumetric glassware shall be Class A, denoting that it meets the federal specifications and is certified by the manufacturer as meeting the standards established by the American Society for Testing and Materials (ASTM).

- h) A thermometer shall have a G or finer subdivision to 100°C and be certified by or traceable to the National Institute of Standards and Technology.

(Source: Repealed at 22 Ill. Reg. 5643, effective

MAR 4 1998)

## Section 183.225 General Laboratory Practices (Repealed)

- a) All prepackaged kit methods other than the BPR and the (P&WT) Colorimetric Test Kit are considered alternative analytical techniques and may be substituted only if approved in accordance with 40 CFR 141.77 revised as of July 17, 1990, exclusive of any subsequent amendments or editions. A copy of 40 CFR is available for public inspection at the Illinois Environmental Protection Agency.

- b) A laboratory utilizing visual comparison devices shall calibrate the standards incorporated into such devices at least every six months. These calibrations shall be documented. Preparation of temporary and permanent type visual standards shall be in accordance with the Color Visual Comparison Method, Standard Methods for the Examination of Water and Wastewater, 14th Edition, American Public Health Association, (Washington, D.C., 1976), pp. 64-66, and the Turbidity Visual Methods, 48B, Standard Methods for the Examination of Water and Wastewater, 16th Edition, American Public Health Association, (Washington, D.C., 1985), exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Illinois Environmental Protection Agency. By comparing standards and plotting such a comparison on graph paper, a correction factor shall be derived and applied to all future results obtained on the now-calibrated apparatus until it is recalibrated.

- c) Prior to use, all glassware shall be washed in a warm detergent solution and thoroughly rinsed first in tap water and then in distilled or deionized water. This cleaning procedure is sufficient for most analytical needs, but the procedures specified for individual parameters shall be referred to for more elaborate precautions to be taken against contamination of glassware. A separate set of glassware shall be maintained for the nitrate, mercury and lead procedures due



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to the potential for contamination from the laboratory environment. All glassware used in organic chemical analyses shall have a final organic solvent rinse or must be baked at 400°C for 30 minutes and shall be dried in an area free of organic contamination. Glassware must be covered with organic-free aluminum foil during storage.

d) Distilled or deionized water shall have resistivity values of at least 0.5 megohm-cm (conductivity less than 2.0 micromhos/cm) at 25°C. Laboratories are advised to request a list of quality specifications for any water purchased. The quality of the distilled or deionized water shall be maintained by protecting it from the atmosphere. Quality checks of the distilled or deionized water shall be made at least once each shift and documented. Reagent water for organic analysis must be free of interferences for the analytes being measured. It may be necessary to treat water with activated carbon to eliminate all interferences.

e) Reagents used for chemical analyses shall be of a quality at least equal to the grade recommended in the applicable analytical procedure reference.

f) Laboratory safety practices are not considered an aspect of laboratory certification. However, certification officers may point out, on an informal basis, potential safety problems observed during on-site visits.

(Source: Repealed at 22 Ill. Reg. 5643, effective MAR 4 1996)

Section 183.230 Methodology and Required Equipment (Repealed)

Minimum equipment requirements, methodology, and references for individual parameters shall be as provided in Appendices A and B of this Part.

(Source: Repealed at 22 Ill. Reg. 5643, effective MAR 4 1996)

Section 183.231 Alternate Analytical Techniques (Repealed)

The drinking water regulations permit approval of alternate analytical techniques, if these techniques are demonstrated to produce results within the acceptance range of the approved methods. The process and requirements for obtaining approval is described in the document "Requirements for Nationwide Approval of New and Optionaly Revised Methods for Drinking Water Monitoring," N-S-81mer, Environmental Monitoring Systems Laboratory, Cincinnati, Ohio 45260, 1980, exclusive of any subsequent amendments or editions. A copy of this publication is available for public inspection at the Illinois Environmental Protection Agency to obtain more specific information, contact EMSB-at-(513)-569-7453.

(Source: Repealed at 22 Ill. Reg. 5643, effective \_\_\_\_\_)

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Section 183.235 Sample Collection, Handling and Preservation (Repealed)

a) The manner in which samples are collected and handled is critical for obtaining valid data. A written sampling protocol with specific sampling instructions should be available to sample collectors and for inspection by the certification officer. When the laboratory has responsibility for sample collection, handling, and preservation, there must be strict adherence to correct sampling procedures, complete identification of the sample, and prompt transfer of the sample to the laboratory. Any sample not meeting the following criteria must not be analyzed.

i) Samples must be collected in accordance with the approved methodology and the guidance requirements in the EPA Bureau of Water Division of Public Water Supplies Handbook, 4/89, exclusive of any subsequent amendments or editions.

2) Analytical report forms must contain the location, date, and time of collection, collector's name, and any special remarks concerning the sample.

b) The following standards for container types, preservatives, and holding time shall be met for each individual parameter:

Parameter(s)	Preservative	Container(s)	Maximum Holding Time(s)
Alkalinity	Refrigerate at 4°C as soon as possible after collection	P-or-G	14 days
Aluminum	Cone-HNO3 to pH less than 2(b)	P-or-G	6 months
Antimony	Cone-HNO3 to pH less than 2(b)	P-or-G	6 months
Arsenic	Cone-HNO3 to pH less than 2 (b)	P-or-G	6 months
Asbestos	Cool 4°C(h)	P-or-G	6 months
Barium	Cone-HNO3 to pH less than 2(b)	P-or-G	6 months
Beryllium	Cone-HNO3 to pH less than 2(b)	P-or-G	6 months

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Parameter(s)	Preservative	Container(s)	Maximum Holding Time(s)
Cadmium	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Calcium	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Chloride	None	P-or-G	20-days
Chromium	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Color	Cool-4a	P-or-G	40-hours
Conductivity	Cool-4a	P-or-G	20-days
Copper	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Cyanide	Add-NaOH-to-pH greater-than 12;-ascorbic-acid in-the-presence-of residual-chloride; refrigerate-and keep-in-dark	P-or-G	14-days
Fluoride	None	P-or-G	20-days
Foaming-Agents	Cool-4a	P-or-G	40-hours
Hydrogen Sulfide-(pH)	None	P-or-G	Analyze immediately-(i)
Iron	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Lead	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Manganese	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Mercury	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	0-days

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Parameter(s)	Preservative	Container(s)	Maximum Holding Time(s)
Nickel	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Nitrate Chlorinated	Cool-4a	P-or-G	20-days
Non-Chlorinated	Conc-H <sub>2</sub> SO <sub>4</sub> -to-pH less-than-2-(g)	P-or-G	14-days
Nitrite	Cool-4a	P-or-G	40-hours
Odor	Cool-4a	G	24-hours
Orthophosphate	Filter-immediately; Cool-4a	P-or-G	40-hours
Selenium	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Silver	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Silica	Cool-4a	P	20-days
Sodium	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Sulfate	Cool-4a	P-or-G	20-days
Temperature	None	P-or-G	Analyze immediately-(i)
Thallium	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Total-Dissolved	Cool-4a	P-or-G	7-days
Solids-(TDS)			
Zinc	Conc-HNO <sub>3</sub> -to-pH less-than-2(b)	P-or-G	6-months
Synthetic-Organic	(e)	(e)	(e)

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Parameter(s)	Preservative	Container(s)	Maximum Holding Time(s)
Chemicals			
Trihalomethanes	0.000% sodium thiosulfate or ascorbic acid; Refrigerate at 4°-6° as soon as possible after collection	G with reflow lined cap	14 days
Volatile Organic Compounds	1:1 HCl to pH less than 27; Cool 4°-6°	G with reflow lined cap	14 days

AGENCY NOTES:

- a- If a laboratory has no control over these factors, the laboratory director must reject any samples not meeting these criteria and so notify the authority requesting the analyses.
- b- If HNO<sub>3</sub> is specified for preservation, cannot be used because of shipping restrictions; immediately ship the sample to the laboratory at ambient temperature. Upon receipt, the sample must be acidified with conc. HNO<sub>3</sub> to pH < 2 and held for at least 16 hours before analysis.
- c- Plastic, hard or soft; G - Glass, hard or soft.
- d- In all cases, samples should be analyzed as soon after collection as possible.
- e- Preservation container and maximum holding time are specified within the approved methods.
- f- No preservation is required if analysis is completed within 48 hours from the time of sample collection.
- g- These samples should never be frozen.
- h- "Analyze immediately" generally means within 15 minutes after sample collection.

(Source: Repealed at 22 Ill. Reg. **5643**, effective **MAR 4 1998**)

Section 183.240 Quality Control (Repealed)

- a) A written description of the current laboratory quality control program shall be maintained and made available to analysts in an area of the laboratory where analytical work takes place.
- b) A laboratory manual containing complete written instructions for each parameter for which the laboratory is certified shall be maintained

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- and made available to analysts in an area of the laboratory where analytical work takes place.
- c) A laboratory shall analyze unknown performance evaluation samples provided by the Agency or participate in the USEPA's Water Supply Performance Evaluation Survey so that results proving satisfactory precision and accuracy as specified in Section 183.1407 are submitted to the Agency once per year for the parameters for which the laboratory is certified. When performance evaluation sample results indicate technical error, the Agency will provide appropriate technical assistance and follow-up performance evaluation samples shall be analyzed by the laboratory.
- AGENCY NOTES: A copy of the USEPA's Water Supply Performance Evaluation Survey may be obtained from the USEPA's Region V offices located at 330 South Dearborn Street, Chicago, Illinois 60604.
- d) A laboratory shall conduct analyses on quality control samples (USEPA Quality Control Sample or equivalent) once per quarter for the parameters for which a laboratory is certified.
- e) A current service contract shall be in effect on all analytical balances.
- f) National Institute of Standards and Technology, Department of Commerce, Gaithersburg, MD 20899 (NIST 1992) exclusive of any subsequent amendments or editions. Standardized Glass Weights shall be available at the laboratory to make periodic checks on balances. This frequency shall not be less than once per month. A record of these checks is to be available for inspection.
- g) At least one thermometer in a G finer subdivision to 189°-G and certified by or traceable to the NIST shall be available to check thermometers in ovens, etc.
- h) Color standards or their equivalent shall be available to verify wavelength settings from 200 to 800 nm on spectrophotometers. A record of these checks shall be available for inspection. The specific checks and their frequency shall be as prescribed in the laboratory's QA plan. The frequency of these checks shall not be less than every 6 months.
- i) Chemicals shall be dated upon receipt of shipment and replaced as needed or if earlier before shelf life has been exceeded.
- j) The following quality control procedures shall be utilized by the laboratory for each analyte for which a laboratory is certified:
- i) At the beginning of each day that samples are to be analyzed, a standard reagent curve composed of a minimum of a reagent blank and three standards covering the sample concentration range must be analyzed.
- 2) Calibration for some methods is so time consuming that subsection (j)(1) above is impractical. For these methods, the standard curve is to be initially developed as specified in subsection (j)(1) above. Thereafter, at the beginning of each day on which analyses are performed, this curve is to be verified by analysts of at least a reagent blank and one standard in the expected



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concentration range of the samples analyzed that day. All checks shall be within plus or minus 10 percent of the original curve or meet the specifications of the approved method.

- 3) If the reagent blank stated in subsection (j)(1) above is not carried through the full analytical procedure, then some other blank (at least one a day) must be carried through the entire analytical procedure. Results from reagent blanks shall not exceed the laboratory's determined method detection limit.

- 4) The laboratory should add a known spike to a minimum of 10 percent of the routine samples (except when the method specifies a different percentage) in every furnace method in order to determine if the entire analytical system is in control. The spike concentration shall not be substantially less than the background concentration of the sample selected for spiking. These checks shall be evenly spaced and one check shall be at the end of the day's analyses. Over time, samples from all routine sample sources shall be spiked. If any of these checks are not within the limits specified in subsection (j)(5) below, a standard shall be analyzed to determine if the "out of control" condition was due to sample matrix or system operation. This standard must be analyzed through the complete analytical system. Corrective action must be taken in accordance with the laboratory's quality assurance plan.

- 5) Until sufficient data are available from the laboratory, usually a minimum of 15 to 25 test results on a specific analysis, the laboratory is to use the control limits, if available, developed from the mean (X) and standard deviation (S) of relationships in Table IV-6 (See Chapter IV of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA-570/9-90/0087, April 1990), exclusive of any subsequent amendments or editions. This table was derived from USEPA's performance evaluation sample data. After inserting the analytical concentration (C) into the proper pair of relationships, compute control limits for standards as X-3(S) and for spike recoveries as (X-B)-3(S). As sufficient data become available, the laboratory shall develop traditional quality control chart criteria for the various quality control checks specified in subsection (j)(4) above. (See Chapter 6 of the Handbook for Analytical Quality Control in Water and Wastewater Laboratories, EPA-600/4-79-019, March 1979, exclusive of any subsequent amendments or editions or similar quality control reference texts for further information). Since percent recovery may not be a constant, the percent recovery data may have to be separated into concentration intervals before control limits are calculated for each interval. If any of these control limits are tighter than the matching control limits in Table IV-6, the laboratory shall use the tighter criteria. Otherwise, control limits in Table IV-6 are required. If no

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control limit criteria has been specified, then the laboratory shall use the mean plus or minus two times the standard deviation obtained in the method detection limit determination required below. The laboratory must continue to calculate traditional control limits for each analyte interval as additional results become available. It is further required that the laboratory periodically determine the method detection limits in accordance with Appendix B-to-40 CFR-136.

- 6) If the method requires any additional quality control, it shall be performed in the laboratory.

(Source: Repealed at 22 Ill. Reg. 5643, effective MAR 4 1998)

## Section 183.245 Record Maintenance (Repealed)

Records of chemical analyses shall be kept by the laboratory for not less than three years. This includes all raw data, calculations, quality control data and reports. However, data with the exception of compliance check samples, as detailed in 40 CFR-141.33(b), may be transferred to tabular summaries which shall include the following information:

- a) Date, place, and time of sampling; preservative added;
- b) Name of person who collected the sample;
- c) Identification of the sample origin, such as routine distribution system, sampler, check sampler, raw or process water, sample or other special purpose sample;
- d) Date of receipt of sample;
- e) Records necessary to establish chain of custody of the sample;
- f) Date of sample analysis;
- g) Name of the persons and designation of the laboratory responsible for performing the analysis;
- h) Designation of the analytical techniques or method used; quality control data; and
- i) Results of the analysis.

(Source: Repealed at 22 Ill. Reg. 5643, effective MAR 4 1998)

## Section 183.250 Free Chlorine Residual and Turbidity (Repealed)

- a) Free and total chlorine residual measurements do not need to be done in certified laboratories, but may be performed by any persons if such persons adhere to the following standards in their analyses:

- 1) Samples shall not be preserved for later analysis. All analyses shall be made as soon as practicable, but no later than one hour after sample collection;
- 2) Plastic or glass containers shall be used for sample collection;
- 3) A DPD Colorimetric Test Kit or a spectrophotometer or a

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photometer shall be available, and

- 4) The--BOD--Colorimetric--Method--specified--in--"Standard--Methods--for--the--Examination--of--Water--and--Wastewater,"--16th--Edition,"--American--Public--Health--Association--(Washington--D.C.--1985)--exclusive--of--any--subsequent--amendments--or--editions)--shall--be--utilized.

- b) Turbidity--measurements--do--not--need--to--be--done--in--certified--laboratories--but--may--be--performed--by--any--persons--approved--by--the--Agency--in--accordance--with--Technical--Policy--Statement--309(B)(7)--of--the--Illinois--Environmental--Protection--Agency--Division--of--Public--Water--Supplies--if--such--persons--adhere--to--the--following--standards--in--their--analyses:

- 1) Samples--shall--not--be--preserved--for--later--analysis--All--analyses--shall--be--made--as--soon--as--practicable--but--no--later--than--one--hour--after--sample--collection;

- 2) Plastic--or--glass--containers--shall--be--used--for--sample--collection;

- 3) A nephelometer shall be available;

- 4) The--Nephelometric--Method--specified--in--"Standard--Methods--for--the--Examination--of--Water--and--Wastewater,"--16th--Edition,"--American--Public--Health--Association--(Washington--D.C.--1985)--exclusive--of--any--subsequent--amendments--or--editions)--or--in--"Methods--for--Chemical--Analysis--of--Water--and--Wastes,"--United--States--Environmental--Protection--Agency--Office--of--Technology--Transfer--Washington--D.C.--204607--(1974)--shall--be--utilized--and

- 5) Sealed--liquid--turbidity--standards--purchased--from--the--instrument--manufacturer--must--be--calibrated--against--properly--prepared--and--diluted--formatizing--standards--at--least--every--4--months--in--order--to--monitor--their--eventual--deterioration--the--standards--shall--be--replaced--when--any--major--change--from--the--previous--calibration--occurs--Solid--turbidity--standards--composed--of--plastic--glassy--or--other--materials--shall--not--be--used.

(Source: Repealed at 1996, Ill. Reg. 5643, effective 1/1/96)

## Section 183.255 Action Response to Laboratory Results (Repealed)

When--a--laboratory's--results--indicate--that--a--maximum--allowable--concentration--of--any--parameter--has--been--exceeded--the--person--requesting--the--analysis--shall--be--notified--within--two--business--days--after--the--unsatisfactory--sample--result.

(Source: Repealed at 1996, Ill. Reg. 5643, effective 1/1/96)

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Section 183. APPENDIX A Methodology and Required Equipment for Inorganic Chemical Analyses of Public Water Supply Samples (Repealed)

PARAMETER	METHODS (unfiltered sample)	EPA <sup>1</sup>	SM <sup>2</sup>	ASTM <sup>3</sup>	Other
	Inductively-Coupled-Plasma	200.7	34208	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Atomic Absorption-Furnace	--	34438	--	--
	Atomic Absorption-Platform	200.9	--	--	--
	Atomic Absorption-Direct	--	34449	--	--
	Atomic Absorption-Furnace	--	34438	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Hydride-Atomic-Absorption	--	--	D3697-92	--
	Atomic Absorption-Furnace	--	34438	D3972-93B	--
	Hydride-Atomic-Absorption	--	34448	D3972-93B	--
	Inductively-Coupled-Plasma	200.7	34208	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Atomic Absorption-Platform	200.9	--	--	--
	Fluorimetry-Electrode	100.1 <sup>6</sup>	--	--	--
	Microscopy	100.2 <sup>10</sup>	--	--	--
	Fluorimetry-Electrode	--	--	--	--
	Microscopy	--	--	--	--
	Atomic Absorption-Direct	--	34448	--	--
	Atomic Absorption-Furnace	--	34438	--	--
	Inductively-Coupled-Plasma	200.7	--	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Atomic Absorption-Furnace	--	34438	D3645-93B	--
	Atomic Absorption-Platform	200.9	--	--	--
	Inductively-Coupled-Plasma	200.7	34208	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Atomic Absorption-Furnace	--	34438	--	--
	Inductively-Coupled-Plasma	200.7	--	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Atomic Absorption-Platform	200.9	--	--	--
	Densitometric	--	4508-61B	--	--
	Fluorimetry	300.9 <sup>11</sup>	44408	D4327-91	--
	Atomic Absorption-Furnace	--	34438	--	--
	Inductively-Coupled-Plasma	200.7	34208	--	--
	ICP-Mass Spectrometry	200.8	--	--	--
	Atomic Absorption-Platform	200.9	--	--	--





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PARAMETER	METHODS (unfiltered sample)	EPA <sup>1</sup>	SM <sup>2</sup>	ASTM <sup>3</sup>	Other
Copper	Atomic Absorption Direct	--	344B	D4688-90A	--
	Atomic Absorption Furnace	--	344B	D4688-90B	--
	Inductively Coupled Plasma	200-7	3420B	--	--
	ICP-Mass Spectrometry	200-9	--	--	--
Hydrogen ion-pH	Atomic Absorption Platform	200-9	--	--	--
	Potentiometric	450-1 <sup>4</sup> 450-2 <sup>4</sup>	4500-14 <sup>5</sup> --	D4293-84 --	--
Conductivity	Conductance	--	2540B	D4425-91A	--
Calcium	Atomic Absorption Direct	--	344B	D544-93B	--
	EDTA Titrimetric	--	3500-60-9	D544-93A	--
	Inductively Coupled Plasma	200-7	3420B	--	--
Zinc	Titrimetric	--	2320B	D4067-92B	--
	Electrometric Titration	--	--	--	1600
Zinc-cyanide	Colorimetric-automated	355-1 <sup>4</sup>	4500-PF	--	--
	Ascorbic acid	--	4500-PE	D545-88A	--
	Colorimetric-ascorbic acid	--	--	--	--
	Singre reagent	--	--	--	1600
	Colorimetric	--	--	--	2600
Cadmium	Ascorbic acid	--	--	--	2600
	Automated-ascorbic acid	--	--	--	2600
	Automated-discrete	--	--	--	2600
	Automated-discrete	--	--	--	2600
	Ion-Chromatography	300-1 <sup>4</sup>	4440B	D4327-91	--
	Ion-Chromatography	--	--	--	--
Cadmium	Colorimetric-molybdate-blue	--	--	--	1400
	Automated-segmented-flow	--	--	--	2600
	Colorimetric	--	--	D659-88	--
	Molybdenum	--	--	--	--
	Mercury-blue	--	--	--	--
	Automated method for	--	--	--	--
Mercury	Automated method for	200-7	3420B	--	--
	Inductively Coupled Plasma	--	2550	--	--
Mercury	Mercury	--	--	--	--

AGENCY NOTES: The Methodology specified in Appendix A of this Part refers to the methods, standards and procedures listed below. Copies of the materials listed below can be inspected at the EPA, 1340 N. 9th Street, Springfield, IL. Analysis of the Appendix A contaminants shall be conducted in accordance with the methods in the Table or their equivalent as determined by the EPA. Criteria for analyzing arsenic, barium, beryllium, cadmium, calcium, chromium, copper, lead, nickel, selenium, sodium and thallium with digestion or directly without digestion, and analytical procedures are contained in technical notes on Drinking Water Methods, EPA-600/R-94-173, October 1994. This document also contains a list of approved analytical test methods which remain available for compliance monitoring until July 17, 1996. These methods will not be available for use after July 17, 1996. Copies may be obtained from the National Technical Information Service, NTIS-PB95-1047667, U.S. Department of Commerce, 5205 Port Royal Road, Springfield, Virginia 22161. The toll free number is 800-553-6847. 1. Methods 150-17, 150-27 and 245-2 are available from US-EPA, EMS57 Cincinnati OH 45268. The identical methods were formerly in Methods of Chemical Analysis of Water and Wastes, EPA-600/4-79-020, March 1983, which is available at NTIS PB84-120677. 2. Methods for the Determination of Metals in Environmental Samples Supplement 1, EPA-600/R-94-111, May 1994. Available at NTIS PB94-104942. 3. The procedures shall be done in accordance with the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1992, American Public Health Association. Copies may be obtained from the American Public Health Association, 1615 Fifteenth Street, NW, Washington, DC 20005. 4. The procedures shall be done in accordance with the Annual Book of ASTM Standards, Vols. 11-01 and 11-03, 1994. American Society for Testing and Materials. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. 5. Techniques of Water Resources Investigation of the United States Geological Survey, Chapter A-1, Methods for the Determination of Inorganic Substances in Water and Fluvial Sediments, Book 57 Third Edition, 1989. Available from Books and Open File Reports Section, U.S. Geological Survey, Federal Center, Box 254257, Denver, CO 80225-0425. 6. Method 100-17, Analytical Method for the Determination of Asbestos Fibers in Water, EPA-600/4-03-0437, EPA, September 1993. Available at NTIS PB-03-260471. 7. Waters Test Method for Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011, Millipore Corporation, Waters Chromatography Division, 34 Maple Street, Milford, Massachusetts 01754. 8. The procedure shall be done in accordance with the Technical Bulletin 601, Standard Method of Test for Nitrate in Drinking Water, July 1994, PN-221090-001, Analytical Technology, Inc.

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9. Copies may be obtained from Avi-Orion, 529 Main Street, Boston, MA 02129.
10. The procedures shall be done in accordance with the industrial method No. 129-71W, "Fluoride in Water and Wastewater," December 1972, and Method 300-75WB, "Fluoride in Water and Wastewater," February 1976, Technicon Industrial Systems. Copies may be obtained from Technicon Industrial Systems, Tarrytown, NY 10591.
11. Method 100-2, "Determination of Asbestos Structure Over 10 um in length in Drinking Water," BPA-600/R-94-1347, June 1994, available at NHTS, PB94-201902.
12. Methods for the determination of inorganic substances in environmental samples, BPA-600/R-93-1007, August 1993, NHTS, PB 94-121811.
13. Secondary Maximum Contaminant Level (SMCL) non-enforceable Federal guidance for aesthetic quality. Laboratory certification is not required to perform analyses for contaminants with SMCLs. Laboratories are not required to be certified to test for pH and water temperature because they are measured in the field. Laboratories are not required to be certified to test for calcium, orthophosphate, silica, alkalinity, or conductivity because these parameters are generally used to assist water systems and states in determining the best corrosion control treatment. These measurements must be made with an approved method and conducted by a party approved (not certified) by the State.
14. Unfiltered, no digestion or hydrolysis.

(Source: Repealed 22 Ill. Reg. 5643, effective MAR 4 1998)

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## Section 183, APPENDIX B Methodology and Required Equipment for Regulated Organic Chemical Analyses of Public Water Supply Samples (Repealed)

Agency Note: For the purposes of this Appendix B, the following abbreviations are utilized: BPA = B-S-EPA; Methods = SM = Standard; Methods = GE = Gas Chromatography; BSB = B-S-B; Liquid-Liquid Extraction = BSB = Liquid-Solid Extraction; MS = Mass Spectrometry; HPSC = High Performance Liquid Chromatography; GE/MS = Combination Gas Chromatography/Mass Spectrometry.

## APPROVED METHODS

## A. SYNTHETIC ORGANIC CHEMICALS (SOCS)

PARAMETER	METHODS	BPA	SM
Aldrin	GE-BSB	508	--
Chlordane	GE-Microextraction	505	--
BBP	GE-BSB	508-1	--
Bieldrin	GE/MS-BSB	525-2	--
Endrin			

Heptachlor  
Heptachlor-Epoxide  
Hexachlorobenzene  
Hexachlorocyclopentadiene  
Indane  
Methoxychlor

Hexaphene	GE-BSB	508	--
	GE-Microextraction	505	--
	GE/MS-BSB	525-2	--

PEBS (as-Aroclors)	GE-Microextraction	505-1	--
	GE-BSB	508-1	--

PEBS (as-deca-chlorobiphenyl)	GE	508A	--
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2,4-D	GE-BSB	515-1	--
2,4,5-TP	GE-BSB	515-2	--
Dinoseb	HPSC	555	--
Picloram			

Pentachlorophenol	GE-BSB	515-1	--
	GE/MS-BSB	525-2	--
	GE-BSB	515-2	--
	HPSC	555	--

Endrin	GE	515-1	--
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PARAMETER	METH0000060Y	BPA	SM
Atachlor	GE7-ESB	552-1	--
Atrazine	GE7-Microextraction	505(3)	--
Simazine	GE7-bbE	507	--
	GE/MS7-ESB	525-2	--
	GE7-ESB	500-1	--
Bit(2-ethylhexyl)adipate	GE7-bbE-or-GE7-ESB	506	--
Bit(2-ethylhexyl)phthalate	GE/MS7-ESB	525-2	--
Carbofuran	HPbE	531-1	6610
Oxamyl			
Dibromochloropropane-(BBEP)	GE7-Microextraction	504-1	--
Ethylene-dibromide-(BBB)	GE7-bbE	551	--
Benzo(a)pyrene	GE/MS7-ESB	525-2	--
	HPbE7-bbE	550	--
	HPbE7-ESB	550-1	--
Biquat	HPbE7-ESB	549-1	--
Endothall	GE-or-GE/MS7-ESB	540-1	--
Glyphosate	HPbE	547	6651
2,3,7,8-TCDD(dioxin)	High-Resolution-GE7	1613	--
	High-Resolution-MS		
B7--VOLATILE-ORGANIC-CONTAMINANTS-REGULATED			
PARAMETER	METH0000060Y	BPA	SM
Total-trihalomethanes-(TTHMs)	GE7-Purge-and-trap	502-2	--
	GE7-bbE	551	--
	GE/MS7-Purge-and-trap	524-2	--
Benzene	GE7-Purge-and-trap	502-2	--
Dichloromethane(GE/MS7-Purge-and trap		--	
o-dichlorobenzene			
p-dichlorobenzene			
1,2-dichloroethane			
1,1-dichloroethylene			
cis-1,2-dichloroethylene			

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PARAMETER	METH0000060Y	BPA	SM
trans-1,2-dichloroethylene			
1,2-dichloropropane			
Ethylbenzene			
Monochlorobenzene			
Styrene			
Toluene			
1,2,4-trichlorobenzene			
1,1,2-trichloroethane			
Vinyl-chloride			
Xylenes-(total)			
Carbon-tetrachloride	GE7-Purge-and-trap	502-2	--
Tetrachloroethylene	GE/MS7-Purge-and-trap	524-2	--
1,1,1-trichloroethane	GE7-bbE	551	--
Trichloroethylene			
C7--VOLATILE-ORGANIC-CONTAMINANTS-UNREGULATED			
1,2,3-trichloropropane(5)	GE7-Purge-and-trap	502-2	--
	GE/MS7-Purge-and-trap	524-2	--
	GE7-Microextraction	504-1	--
Volatile-Organic Contaminants	GE7-Purge-and-trap	502-2	--
Unregulated(475)	GE/MS7-Purge-and-trap	524-2	--
B7--SOES-UNREGULATED(5)			
Butachlor	GE7-bbE	507	--
	GE/MS7-ESB	525-2	--
Metolachlor	GE7-bbE	507	--
Metribuzin	GE7-ESB	500-1	--
	GE/MS7-ESB	525-2	--
Propachlor	GE7-bbE	500	--
	GE7-bbE	500-1	--
	GE/MS7-ESB	525-2	--
Aldicarb	HPbE	531-1	6610
PARAMETER	METH0000060Y	BPA	SM
Aldicarb-Sulfoxide			
Aldicarb-Sulfone			
Carbaryl			



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PARAMETER	MB9H00000G	BPA	SM
3-hydroxyarbofuran Methomyl			
Bicamba	6E7-5B2	515-1	--
	6E7-5B2	515-2	--
	HP6B	555	--

AGENCY--NOTES--The methodology specified in Appendix B of this Part refers to the methods and procedures listed below. Copies of the materials listed below can be inspected at the BPA 1340-N-9th St., Springfield, IL. Analyses for the contaminants in Appendix B shall be conducted using the following United States Environmental Protection Agency (USEPA) methods or their equivalent as approved by USEPA: Methods 502.27-5057-5077-5087-508A7 515.1 and 531.1 are in "Methods for the Determination of Organic Compounds in Drinking Water", BPA-600/4-88-0397, December 1988; Revised July 1991. Methods 5067-5477-5507-550-1 and 551 are in "Methods for the Determination of Organic Compounds in Drinking Water Supplement II", BPA-600/4-90-0207, July 1990. Methods 515.17-524.27-540.17-549.17-552.1 and 555 are in "Methods for the Determination of Organic Compounds in Drinking Water Supplement II", BPA-600/R-92-1297, August 1992. Method 1613 is titled "tetra through Octa-Chlorinated Dioxin and Furans by Isotope Dilution--HRGC/HRMS". BPA-821-B-94-0057, October 1994. Copies may be obtained from the National Technical Information Service, NTIS, PB91-231480, PB91-1460277, PB92-207703, PB95-104774, U.S. Department of Commerce, 5205 Port Royal Road, Springfield, Virginia 22161. The toll free number is 800-553-6847. Method 6651 shall be followed in accordance with the 18th edition of "Standard Methods for the Examination of Water and Wastewater", 1992, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005. Method 6610 shall be followed in accordance with the Supplement to the 18th edition of "Standard Methods for the Examination of Water and Wastewater", 1994, American Public Health Association. Copies may be obtained from the American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005. Other analytical test procedures are contained in Technical Notes on Drinking Water Methods, BPA-600/R-94-1737 October 1994, NTIS, PB95-104766. This document also contains approved analytical methods which remain available for compliance monitoring until July 17, 1996. These methods will not be available for use after July 17, 1996. BPA Methods 504.17-508.1 and 525.2 are available from USEPA EMS57-61ncinnati7-0H 452607. The phone number is 513-569-7586.

- 1- PEBS are qualitatively identified as Aroclors and measured for compliance purposes as decachlorobiphenyl.
- 2- Each system which monitors for PEBS shall analyze each sample using either Method 505 or Method 508. If detected in 505 or 508, systems must confirm using Method 508A.
- 3- A nitrogen-phosphorus detector should be substituted for the electron-capture detector in Method 505 for another approved

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- method--should--be--used)--to--determine--alachlor--atrazine--and simazine, if lower detection limits are required.
- 4- The complete list of unregulated volatile organic chemicals--can be found in 40-CFR-141.40.
- 5- Approval--not--certification--granted--for--unregulated/monitored contaminants.

(Source: Repealed at 22 Ill. Reg. 5643, effective

4/1/98)

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- 1) Heading of the Part: Major Stationary Sources Construction and Modification
- 2) Code Citation: 35 Ill. Adm. Code 203
- 3) Section Number: Adopted Action:  
203.206 Amended  
203.207 Amended  
203.301 Amended
- 4) Statutory Authority: 415 ILCS 5/28.5
- 5) Effective Date of Amendments: March 10, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: March 5, 1998
- 9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 12823 (September 19, 1997)

- 10) Has JCAR issued a statement of objections to these rules? No

- 11) Differences between proposal and final version:

LINE	DESCRIPTION OF CHANGE
1. 70	Changed "Section" to "Sections".
2. 71-72	Deleted Ill. Rev. Stat. citation.
3. 72	Corrected ILCS cite.
4. 131	Deleted "(B) below" and added "subsection (b)(5)(B)".
5. 206	Deleted old source note.
6. 209	Added ", (e)" after "(d)".
7. 224	Struck "Sections" and added "Section".
8. 259-268	Moved stricken language to line 284.
9. 260	Changed "which" to "that".
10. 272	Added "of" after "more"; deleted "or" after "more".

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11. 301 Deleted old source note.
12. 327 Added "Except as provided in subsection (e) or (f)," at the beginning of the sentence; Changed "The" to "the".
13. 343 Added "stationary" after "major".
14. 348 Changed "Section 203.207(d)" to "Section 203.207(e)".
15. 391 Deleted old source note.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will these amendments replace an emergency rule currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments:

A more detailed discussion of these rules appears in the Board's March 5, 1998 opinion and order.

New Source Review Rules (NSR rules) establish a construction permit program in areas that are not in attainment with the National Ambient Air Quality Standards (NAAQS) established under the federal Clean Air Act. See 42 U.S.C. Section 7409 (1996). The NSR rules are intended to ensure that the construction of a major new source of air pollution, or a large increase of emissions at an existing source, does not interfere with a nonattainment area's timely achievement of NAAQS.

These adopted NSR rules apply to areas in Illinois that have been designated as being in "serious" or "severe" nonattainment with the ozone NAAQS. Currently, the following areas have been designated as being in "serious" or "severe" nonattainment with the ozone NAAQS: Cook, DuPage, Lake, McHenry, and Will Counties, and Aux Sable Township and Goose Lake Township in Grundy County, and Oswego Township in Kendall County.

The United States Environmental Protection Agency (USEPA) recently issued a guidance on the NSR rules entitled "Notice of Proposed Rulemaking, Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR)", (61 Fed. Reg. 38249 (July 23, 1996)) (NSR Rule Proposal). These amendments to Part 203 conform Illinois' NSR rules to USEPA's guidance entitled "Notice of Proposed Rulemaking, Prevention of Significant Deterioration and Nonattainment New Source Review", (61 Fed. Reg. 38249 (July 23, 1996)). The Board adopted these rules under the fast track rulemaking procedures of the Environmental Protection Act. (See 415 ILCS 5/28.5.)

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- 16) Information and questions regarding the adopted amendment shall be directed to:

Amy Muran Felton, Attorney  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-7011

Request for copies of the rules or the Board's March 5, 1998 opinion and order should be addressed to Victoria Agyeman, at 312-814-3620 or at the above address and should reference Docket R98-10.

The full text of the Adopted Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE B: AIR POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER a: PERMITS AND GENERAL PROVISIONS

## PART 203

## MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION

## SUBPART A: GENERAL PROVISIONS

Section	
203.101	Definitions
203.103	Actual Construction
203.104	Actual Emissions
203.107	Allowable Emissions
203.110	Available Growth Margin
203.112	Building, Structure and Facility
203.113	Commence
203.116	Construction
203.117	Dispersion Enhancement Techniques
203.119	Emission Baseline
203.121	Emission Offset
203.122	Emissions Unit
203.123	Federally Enforceable
203.124	Fugitive Emissions
203.125	Installation
203.126	Lowest Achievable Emission Rate
203.127	Nonattainment Area
203.128	Potential to Emit
203.131	Reasonable Further Progress
203.134	Secondary Emissions
203.136	Stationary Source
203.145	Volatile Organic Material (Repealed)
203.150	Public Participation
203.155	Severability (Repealed)

SUBPART B: MAJOR STATIONARY  
SOURCES IN NONATTAINMENT AREAS

Section	
203.201	Prohibition
203.202	Coordination With Permit Requirement and Application Pursuant to 35 Ill. Adm. Code 201
203.203	Construction Permit Requirement and Application
203.204	Duration of Construction Permit (Repealed)
203.205	Effect of Permits
203.206	Major Stationary Source
203.207	Major Modification of a Source



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203.208 Net Emission Determination  
 203.209 Significant Emissions Determination  
 203.210 Relaxation of a Source-Specific Limitation  
 203.211 Permit Exemption Based on Fugitive Emissions

SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY  
 SOURCES IN NONATTAINMENT AREAS

Section  
 203.301 Lowest Achievable Emission Rate  
 203.302 Maintenance of Reasonable Further Progress and Emission Offsets  
 203.303 Baseline and Emission Offsets Determination  
 203.304 Exemptions from Emissions Offset Requirement (Repealed)  
 203.305 Compliance by Existing Sources  
 203.306 Analysis of Alternatives

SUBPART F: OPERATION OF A MAJOR STATIONARY SOURCE  
 OR MAJOR MODIFICATION

Section  
 203.601 Lowest Achievable Emission Rate Compliance Requirement  
 203.602 Emission Offset Maintenance Requirement  
 203.603 Ambient Monitoring Requirement (Repealed)

## SUBPART G: GENERAL MAINTENANCE OF EMISSION OFFSETS

Section  
 203.701 General Maintenance of Emission Offsets

SUBPART H: OFFSETS FOR EMISSION INCREASES FROM ROCKET ENGINES AND MOTOR  
 FIRING

Section  
 203.801 Offsetting by Alternative or Innovative Means

AUTHORITY: Implementing Section 9.1 and 10 and authorized by Section 27 and 28.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1009.1, 1010 and 1027) [415 ILCS 5/9.1, 10 27 and 28.5].

SOURCE: Adopted and codified at 7 Ill. Reg. 9344, effective July 22, 1983; recodified at 7 Ill. Reg. 13588; amended in R85-20 at 12 Ill. Reg. 6118, effective March 22, 1988; amended in R91-24 at 16 Ill. Reg. 13551, effective August 24, 1992; amended in R92-21 at 17 Ill. Reg. 6973, effective April 30, 1993; amended in R93-9 at 17 Ill. Reg. 16630, effective September 27, 1993; amended in R93-26 at 18 Ill. Reg. 6335, effective April 15, 1994; amended in R98-10 at 22 Ill. Reg. 5674, effective MAR 10 1998.

SUBPART B: MAJOR STATIONARY SOURCES IN

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## NONATTAINMENT AREAS

## Section 203.206 Major Stationary Source

- a) For purposes of this Part, the term "major stationary source" shall exclusively mean "building, structure and facility," as those terms are defined in Section 203.113 of this Part.
- b) The following constitute a major stationary source:
- 1) For an area designated as nonattainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit volatile organic material in an amount equal to or greater than the following:
    - A) 100 tons per year in an area classified as marginal or moderate nonattainment for ozone;
    - B) 50 tons per year in an area classified as serious nonattainment for ozone;
    - C) 25 tons per year in an area classified as severe nonattainment for ozone; and
    - D) 10 tons per year in an area classified as extreme nonattainment for ozone.
  - 2) For an area designated as nonattainment for nitrogen dioxide, a major stationary source is a stationary source which emits or has the potential to emit 100 tons per year or more of nitrogen dioxide.
  - 3) For an area designated as nonattainment for ozone, a major stationary source is a stationary source which emits or has the potential to emit nitrogen oxides in an amount equal to or greater than the following, unless United States Environmental Protection Agency (USEPA) has made a finding under Sections 110 and 182(f) of the Clean Air Act that controlling of emissions of nitrogen oxides from such source shall not be required:
    - A) 100 tons per year in an area classified as marginal or moderate nonattainment for ozone,
    - B) 50 tons per year in an area classified as serious nonattainment for ozone,
    - C) 25 tons per year in an area classified as severe nonattainment for ozone, and
    - D) 10 tons per year in an area classified as extreme nonattainment for ozone.
  - 4) For an area designated nonattainment for PM-10, a major stationary source is a stationary source which emits or has the potential to emit:
    - A) 100 tons per year or more of PM-10 in an area classified as moderate nonattainment area, or
    - B) 70 tons per year or more of PM-10 in an area classified as serious nonattainment.
  - 5) For an area designated nonattainment for carbon monoxide, a major stationary source is a stationary source which emits or has the

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- potential to emit:
- A) 100 tons per year or more of carbon monoxide in a nonattainment area, except as provided in subsection (b)(5)(B) below;
  - B) 50 tons per year or more in an area classified as "serious" nonattainment for carbon monoxide where stationary sources significantly contribute to ambient carbon monoxide levels, as determined under rules issued by USEPA, pursuant to the Clean Air Act.
  - 6) For an area designated nonattainment for a pollutant other than ozone, nitrogen dioxide, PM-10 or carbon monoxide, a major stationary source is a stationary source which emits or has the potential to emit 100 tons per year or more of the pollutant.
  - c) Any physical change that occurs at a stationary source which does not qualify under subsection (a) of this Section as a major stationary source will be considered a major stationary source, if the change would constitute a major stationary source by itself.
  - d) ~~The reconstruction of a major stationary source will be treated as the construction of a new major stationary source if the fixed capital cost of new components exceeds approximately half of the fixed capital cost of an entirely new stationary source. Determining whether reconstruction will occur is based on the following:~~
    - 1) ~~Fixed capital cost shall mean the capital needed to provide all the depreciable components.~~
    - 2) ~~The fixed capital cost for the replacements in comparison to the fixed capital cost that would be required to construct a comparable entirely new source.~~
    - 3) ~~The estimated life of the source after the replacements compared to the life of a comparable entirely new source, and~~
    - 4) ~~The extent to which the components being replaced cause or contribute to the emissions from the source.~~
  - d) For purposes of this Part, in areas that are classified as serious, severe, or extreme nonattainment, the fugitive emissions of a stationary source shall be included in determining whether it is a major stationary source. In areas that are not classified as serious, severe or extreme nonattainment, the fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
    - 1) Coal cleaning plants (with thermal dryers);
    - 2) Kraft pulp mills;
    - 3) Portland cement plants;
    - 4) Primary zinc smelters;
    - 5) Iron and steel mills;
    - 6) Primary aluminum ore reduction plants;
    - 7) Primary copper smelters;
    - 8) Municipal incinerators capable of charging more than 250 tons of refuse per day;

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- 9) Hydrofluoric, sulfuric, or nitric acid plants;
- 10) Petroleum refineries;
- 11) Lime plants;
- 12) Phosphate rock processing plants;
- 13) Coke oven batteries;
- 14) Sulfur recovery plants;
- 15) Carbon black plants (furnace process);
- 16) Primary lead smelters;
- 17) Fuel conversion plants;
- 18) Sintering plants;
- 19) Secondary metal production plants;
- 20) Chemical process plants;
- 21) Fossil-fuel boilers (or combination thereof) totaling more than 250 million Btu per hour heat input;
- 22) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- 23) Taconite ore processing plants;
- 24) Glass fiber processing plants;
- 25) Charcoal production plants;
- 26) Fossil fuel-fired steam electric plants of more than 250 million Btu per hour heat input;
- 27) Any other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Clean Air Act (42 U.S.C. 7411, 7412), but only with respect to those air pollutants that have been regulated for that category;
- 28) Any other stationary source category designated by the USEPA by rule.

(Source: Amended at 22 Ill. Reg. 5674, effective 1/10/1998)

## Section 203.207 Major Modification of a Source

- a) Except as provided in subsection (c), (d), (e) or (f) below, a physical change, or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant for which the area is designated a nonattainment area, shall constitute a major modification of a source.
- b) Any net emissions increase that is significant for volatile organic material or nitrogen oxides shall be considered significant for ozone.
- c) A physical change or change in the method of operation shall not include:
  - 1) Routine maintenance and repair, and replacement which does not constitute reconstruction pursuant to Section 203.206(c).
  - 2) Use of an alternative fuel or raw material by reason of any order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 791), the Power Plant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) (or

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any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act (16 U.S.C. 791, et seq.).

- 3) Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act (42 U.S.C. 7425).
- 4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
- 5) Use of an alternative fuel or raw material by a stationary source which:

A) Was capable of accommodating such alternative fuel or raw material before December 21, 1976, and which has continuously remained capable of accommodating such fuels or materials unless such change would be prohibited under any enforceable permit condition established after December 21, 1976, pursuant to 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143, or

B) Is approved for use under any permit issued pursuant to this Part or 35 Ill. Adm. Code 201.142 or 201.143.

- 6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21, this Part, or 35 Ill. Adm. Code 201.142 or 201.143.
- 7) Any change in ownership at a stationary source.

d) In an area classified as serious or severe nonattainment for ozone, increased emissions of volatile organic material or nitrogen oxides resulting from any physical change in, or change in the method of operation of, a stationary source located in the area shall be considered de minimis for purposes of this Part if the increase in net emissions of such air pollutant from such source does not exceed 25 tons when aggregated with all other net increases in emissions from the source over any period of five consecutive calendar years that includes the year in which such increase occurred.

e) In the case of any major stationary source of volatile organic material or nitrogen oxides located in an area classified as serious or severe nonattainment for ozone (other than a source which emits or has the potential to emit 100 tons or more of volatile organic material or nitrogen oxides per year), whenever any change at that source results in any increase (other than a de minimis increase) in emissions of volatile organic material or nitrogen oxides, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, such increase shall be considered a major modification for purposes of this Part, except such increase shall not be considered a major modification for such purposes if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of volatile organic material or nitrogen oxides, respectively, from other operations, units, or activities within the source at an internal offset ratio of at least

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1.3 to 1. In areas classified as serious or severe nonattainment for ozone, beginning November 15, 1992, or such later date that an area is classified by the United States Environmental Protection Agency (USEPA) as a serious or severe nonattainment area for ozone, any physical change or change in the method of operation of a major stationary source which results in an increase in emissions of 25 tons per year or more of volatile organic material or nitrogen oxides from any discrete operation, unit, or other pollutant emitting activity at the source shall be considered a major modification unless:

1) The emissions and potential to emit emissions of such pollutant, if the volatile organic material or nitrogen oxides, are less than 100 tons per year; and

2) The owner or operator of the source elects to offset the increase by a greater reduction in emissions of such pollutant, if the volatile organic material or nitrogen oxides, from other operations, units, or activities within the source at an internal offset ratio of at least 1:3 to 1.

f) In areas classified as extreme nonattainment for ozone, beginning on the date that an area is classified by USEPA as an extreme nonattainment area for ozone, any physical change in or change in the method of operation of a major stationary source which results in any increase in emissions of volatile organic material or nitrogen oxides from a discrete operation, unit, or other pollutant emitting activity shall be considered a major modification.

(Source: Amended at 22 Ill. Reg. 5674-3, effective MAR 10 1998)

#### SUBPART C: REQUIREMENTS FOR MAJOR STATIONARY SOURCES IN NONATTAINMENT AREAS

##### Section 203.301 Lowest Achievable Emission Rate

a) For any source, lowest achievable emission rate (LAER) will be the more stringent rate of emissions based on the following:

1) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless it is demonstrated that such limitation is not achievable; or

2) The most stringent emission limitation which is achieved in practice by such a class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the stationary source. In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source performance standard adopted by United States Environmental Protection Agency pursuant to Section 111 of



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the Clean Air Act and made applicable in Illinois pursuant to Section 9.1 of the Act.

- b) The owner or operator of a new major stationary source shall demonstrate that the control equipment and process measures applied to the source will produce LAER.
- c) Except as provided in subsection (e) or (f) below, the owner or operator of a major modification shall demonstrate that the control equipment and process measures applied to the major modification will produce LAER. This requirement applies to each emissions unit at which a net increase in emissions of the pollutant has occurred or would occur as a result of a physical change or change in the method of operation.
- d) The owner or operator shall provide a detailed showing that the proposed emission limitations constitute LAER. Such demonstration shall include:
  - 1) A description of the manner in which the proposed emission limitation was selected, including a detailed listing of information resources;
  - 2) Alternative emission limitations; and
  - 3) Such other reasonable information as the Agency may request as necessary to determine whether the proposed emission limitation is LAER.
- e) If the owner or operator of a major stationary source (other than a source which emits or has the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides) located in an area classified as serious or severe nonattainment for ozone does not elect to provide internal offsets for a change at the source in accordance with Section 203.207(e) of this Part, such change shall be considered a major modification for purposes of this Part, but in applying this Section in the case of any such modification, the Best Available Control Technology (BACT), as defined in Section 169 of the Clean Air Act, shall be substituted for the Lowest Achievable Emission Rate (LAER). BACT shall be determined in accordance with policies and procedures published by USEPA. In areas classified as serious or severe nonattainment for ozone, for modifications which are major pursuant to the applicability provisions of Section 203.207(d) for volatile organic material and nitrogen oxide emissions, LAER shall apply except as provided as follows:
  - i) In the case of a stationary source which does not emit or have the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides, a requirement for Best Available Control Technology (BACT), as defined in Section 169 of the Clean Air Act (42 U.S.C. 7401 et seq.), substitutes for LAER. BACT shall be determined in accordance with policies and procedures published by the USEPA.
  - ii) In the case of a stationary source which emits or has the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides, the requirements for BACT shall not

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apply if the owner or operator of the source elects to offset the increase by a greater reduction in emissions of such pollutant from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1.

- f) In the case of any major stationary source of volatile organic material or nitrogen oxides located in an area classified as serious or severe nonattainment for ozone which emits or has the potential to emit 100 tons per year or more of volatile organic material or nitrogen oxides, respectively, whenever any change at that source results in any increase (other than a de minimis increase) in emissions of volatile organic material or nitrogen oxides, respectively, from any discrete operation, unit, or other pollutant emitting activity at the source, such increase shall be considered a major modification for purposes of this Part, except that if the owner or operator elects to offset the increase by a greater reduction in emissions of volatile organic material or nitrogen oxides, respectively, from other operations, units or activities within the source at an internal offset ratio of at least 1.3 to 1, the requirements of this Section concerning LAER shall not apply.

(Source: Amendment 1 (1996) 22 Ill. Reg. 6.074, effective 1/1/97)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers: Adopted Action:  
177.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective date of rules: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes
- These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: March 3, 1998
- 9) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14900
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:  
Various grammatical and formatting changes were made throughout the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 177, as of October 1, 1996, and including the federal rulemakings adopted at 62 FR 1217, January 8, 1997; 62 FR 46214, September 2, 1997; and 62 FR 51554, October 1, 1997.

The Department's regulations will incorporate changes made in the following Dockets:

## DEPARTMENT OF TRANSPORTATION

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Docket HM-206 (62 FR 1217, January 8, 1997) Amends the Hazardous Materials Regulations to better identify hazardous materials in transportation. Changes include adding a new "POISON INHALATION HAZARD" label and placard to enhance the identification of materials which are poisonous if inhaled, lowering the quantity for specific hazard class placarding and other enhancements to the hazard communication system. Improves identification of hazardous materials in transportation by assisting emergency response personnel in responding to incidents involving hazardous materials.

Docket HM-169B (62 FR 46214, September 2, 1997) Removes Radiation Protection Program regulations and related model provisions for persons who offer, accept for transportation, or transport radioactive materials.

Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is to enhance the accuracy and reduce misunderstanding of the HMR.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 177

## CARRIAGE BY PUBLIC HIGHWAY

## Section

177.1000 General

177.2000 Incorporation By Reference of 49 CFR 177

**AUTHORITY:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

**SOURCE:** Adopted at 3 Ill. Reg. 5, p. 21, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective April 30, 1996; amended at 22 Ill. Reg. 5686, effective MAR 4 1998.

## Section 177.2000 Incorporation By Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1996 1994; as amended at 62 FR 1217, January 8, 1997; as amended at 62 FR 46214, September 2, 1997, and as amended at 62 FR 51554, October 1, 1997 ~~as amended at 59--FR 67390, December-29, 1994, and as amended at 60-FR-50292, September-28, 1995~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
  - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

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- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

(Source: Amended MAR 4 1998 at 22 Ill. Reg. 5686, effective



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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Numbers: 180.2000  
Adopted Action: Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective date of rules: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? Yes  
  
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: March 3, 1998
- 9) Notice of proposal published in Illinois Register:  
  
November 21, 1997, 21 Ill. Reg. 14905
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version:  
  
The following changes were made in agreement with JCAR and the Code Division:  
  
Various grammatical and formatting changes were made to the Part.  
  
In Section 180.2000(a) and (b)(4), the Department is referring to federal rules by correcting the word "Part" and putting it in lower case.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules:

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## NOTICE OF ADOPTED AMENDMENTS

By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 180, as of October 1, 1996, and including the federal rulemakings adopted at 62 FR 1208, January 8, 1997 and 62 FR 51554, October 1, 1997.

The Department's regulations will incorporate changes made in the following Dockets:

Docket HM-200 (62 FR 1208, January 8, 1997) Requires all intrastate shippers and carriers to comply with the Hazardous Materials Regulations with certain exceptions. The intended effect of this rule is to raise the level of safety in the transportation of hazardous materials.

Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is to enhance the accuracy and reduce misunderstanding of the HMR.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180  
 CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section  
 180.1000 General  
 180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at 16 Ill. Reg. 11847, effective July 13, 1992; amended at 18 Ill. Reg. 7857, effective May 6, 1994; amended at 20 Ill. Reg. 6535, effective April 30, 1996; amended at 22 Ill. Reg. 5690, effective MAR 4 1998.

Section 180.2000 Incorporation by Reference of 49 CFR 180

- a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that part ~~part~~ of the federal hazardous materials transportation regulations was in effect on October 1, 1996; as amended at 62 FR 1208, January 8, 1997; and as amended at 62 FR 51554, October 1, 1997. ~~1994--as-amended-at-59-FR-55162; November-3,--1994--as-amended-at-60-FR-17390; April-5,--1995--and-as-amended-at-60--PR--49046;--September--21, 1995, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.~~
- b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
  - 2) All references to "this chapter" or "this Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
  - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
  - 4) All references to parts ~~parts~~ 174, 175, 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
  - 5) All references to shipments of hazardous materials by air, water

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and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

(Source: Amended MAR 4 1998 at 22 Ill. Reg. 5690, effective MAR 4 1998.)

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1) Heading of the Part: General Information, Regulations and Definitions2) Code Citation: 92 Ill. Adm. Code 1713) Section Numbers: Adopted Action:

171.2 Amend

171.3 Amend

171.21 Amend

171.1000 Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]5) Effective date of rules: March 4, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? Yes  
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.8) Date filed in agency's principal office: March 3, 19989) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 1490910) Has JCAR issued a Statement of Objections to these rules? No11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

Grammatical and formatting changes were made throughout the Part.

At the end of Section 171.21, the Department's Agency Note now reads as follows:

"AGENCY NOTE: See 49 CFR 173.6 that is incorporated by reference at Section 173.3000 pertaining to Materials of Trade Exemption."

At Section 171.1000(a), the language "~~7-and-as-amended-at-62-FR-76377-February-19-1997~~" has been deleted.

Also at Section 171.1000(a), the language "171.5 Temporary Regulation: Liquefied Compressed Gases in Cargo Tank Motor Vehicles" has been deleted.

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At Section 171.2(a), between "required" and "by", the words "and authorized" were inserted.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 171, as of October 1, 1996, and including the federal rulemakings adopted at 61 FR 65958, December 16, 1996; 62 FR 1208, January 8, 1997; 62 FR 1217, January 8, 1997; 62 FR 7638, February 19, 1997; 62 FR 24690, May 6, 1997; 62 FR 29673, June 2, 1997; 62 FR 30767, June 5, 1997; 62 FR 34667, June 27, 1997; 62 FR 39398, July 22, 1997; 62 FR 44038, August 18, 1997; 62 FR 44913, August 25, 1997; 62 FR 49560, September 22, 1997; and 62 FR 51554, October 1, 1997.

The Department's regulations will incorporate changes made in the following Dockets:

Docket HM-215B (61 FR 65958, December 16, 1996) Updates references in the Hazardous Materials Regulations to include the most recent amendments to international standards. These amendments are necessary to facilitate the continued transport of hazardous materials in international commerce.

Docket HM-200 (62 FR 1208, January 8, 1997) Requires that all intrastate shippers and carriers comply with the Hazardous Materials Regulations with certain exceptions. The intended effect of this rule is to raise the level of safety in the transportation of hazardous materials.

Docket HM-206 (62 FR 1217, January 8, 1997) Amends the Hazardous Materials Regulations to better identify hazardous materials in transportation. Changes include adding a new "POISON INHALATION HAZARD" label and placard to enhance the identification of materials which are poisonous if inhaled, lowering the quantity for specific hazard class placarding and other enhancements to the hazard communication system. Improves identification of hazardous materials in transportation by assisting emergency response personnel in responding to incidents involving hazardous materials.

Docket HM-225 (62 FR 7638, February 19, 1997) Specifies the conditions under which certain cargo tank motor vehicles may continue to be used on an interim basis.



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Docket HM-215B (62 FR 24690, May 6, 1997) Amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-221B (62 FR 29673, June 2, 1997) Allows the transportation of certain liquid hazardous materials in non-specification open-head fiber drums until September 30, 1999, if the fiber drums have been filled before, and are not emptied and refilled after, the expiration of the current authority for the use of these packagings.

Docket HM-224A (62 FR 30767, June 5, 1997) Amends the Hazardous Materials Regulations to add a specific shipping description to the Hazardous Materials Table for chemical oxygen generators and to require approval of a chemical oxygen generator, and its packaging, when the chemical oxygen generator is to be transported with its means of initiation attached.

Docket HM-224A (62 FR 34667, June 27, 1997) Delays the effective date of the final rule of June 5, 1997; authorizes permissive compliance immediately; and corrects an error in the Hazardous Materials Table.

Docket HM-206 (62 FR 39398, July 22, 1997) Makes changes and corrects errors to the final rule published on January 8, 1997. Changes include postponement until October 1, 1998, of the effective date of the January 8, 1997 final rule, and until October 1, 1999, of the date for compliance with a requirement for new labels on packagings containing materials poisonous by inhalation.

Docket HM-225 (62 FR 44038, August 18, 1997) Revises and extends requirements issued in an interim final rule on February 19, 1997. The rule requires a specific marking on affected cargo tank motor vehicles and requires motor carriers to comply with additional operational controls intended to compensate for the inability of passive emergency discharge control systems to function as required.

Docket HM-221B (62 FR 44913, August 25, 1997) Confirms the October 1, 1997 effective date of the direct final rule in this rulemaking docket, published on June 2, 1997.

Docket HM-200 (62 FR 49560, September 22, 1997) Makes changes and corrects errors in the final rule published on January 8, 1997. Changes include postponement until October 1, 1998 for the effective date of the January 8, 1997 final rule.

Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is to enhance the accuracy and reduce misunderstanding of the HMR.

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Sections 171.2(a) and (b) are amended to include the language that a person engaged in the transportation of hazardous materials may transport under an exemption or approval issued by the U. S. Department of Transportation. This language is consistent with 49 CFR 171.

Section 171.2(d) is removed. It contains transportation requirements for radioactive materials. This subsection is unnecessary as a radioactive material is now defined as a hazardous material and therefore regulated by Sections 171.2(a) and (b).

Sections 171.3(a) and (b)(2) are amended to clarify the reference in these subsections to the Federal Hazardous Materials Regulations contained in 49 CFR 171.

Section 171.3(d) is removed. This requirement is identical to 49 CFR 171.12(a) which is incorporated by reference in Section 171.1000. Duplication is unnecessary.

Section 171.21 is amended. However, 49 CFR 173.6 allows a "materials of trade" exception, which is incorporated by reference in Section 171.1000. The "materials of trade" exception is broader in scope than the "retailer" exception contained in Section 171.21. Since the exceptions in Section 171.21 are contained in 49 CFR 173.6, this Section is unnecessary. An agency note is added to Section 171.21 to reference 49 CFR 173.6.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

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TITLE 92: TRANSPORTATION  
CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 171

## GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

Section	Purpose and Scope
171.1	General Transportation Requirements
171.2	Hazardous Waste
171.3	Exemptions (Renumbered)
171.4	Agricultural Exception
171.5	Agricultural Exception (Renumbered)
171.6	Matter Incorporated by Reference (Repealed)
171.7	Definitions and Abbreviations (Repealed)
171.8	Rules of Construction (Repealed)
171.9	Import and Export Shipments (Repealed)
171.12	Specification Markings (Repealed)
171.14	Incident Reporting Requirements
171.15	Exemptions
171.17	Continuation of Effectiveness of Existing Bureau of Explosives Regulations (Repealed)
171.18	Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
171.21	Retailer Exception
171.1000	Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. 7861, effective May 6, 1994; amended at 20 Ill. Reg. 6539, effective April 30, 1996; emergency amendment at 21 Ill. Reg. 4043, effective March 17, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 5694, effective MAR 4 1998.

## Section 171.2 General Transportation Requirements

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- a) No person may offer or accept a hazardous material for transportation by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is properly classified, described, packaged, marked, labeled, placarded and in the condition for shipment as required and authorized by these regulations or an exemption or approval issued by U.S. DOT.
- b) Unless specifically excepted by these regulations, no person may accept for transportation or transport a hazardous material by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is handled and transported in accordance with this Subchapter or an exemption or approval issued by U.S. DOT.
- c) No person may offer, accept, or transport a hazardous material by highway in Illinois, regardless of the quantity of hazardous material in the shipment or on the vehicle, if that material poses an imminent danger to the public. The State Police are authorized to stop any vehicle that constitutes an imminent danger. For the purpose of this Section, an imminent danger exists if, in the opinion of the State Police officer or the representative of the Department at the scene, the offer, acceptance, or transportation of that hazardous material is likely to cause death, serious illness, or severe personal injury.
- d) ~~No person may offer or accept for transportation or transport any quantity of radioactive material by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is properly classified, described, packaged, marked, labeled, placarded, handled and transported in accordance with these regulations.~~

(Source: Amended at 22 Ill. Reg. 5694, effective

MAR 4 1998)

## Section 171.3 Hazardous Waste

- a) No person may offer for transportation or transport a hazardous waste (as defined in Section 49 CFR 171.8) by highway in Illinois except in accordance with the requirements of this Subchapter.
- b) No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:
- 1) has marked each motor vehicle used to transport hazardous waste in accordance with 92 Ill. Adm. Code 390.21 or 49 CFR 1058.2 even though placards may not be required;
  - 2) complies with the requirement for manifests set forth in 49 CFR 92.311-Adm-Code 172.205; and
  - 3) delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:
- A) the designated facility or, if not possible, to the designated alternate facility;

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- B) the designated subsequent carrier; or
- C) a designated place outside the United States.
- c) If a discharge of hazardous waste or other hazardous material occurs during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest.
- d) If a hazardous material that is a hazardous waste is required by this Subchapter to be shipped in a closed head drum (i.e., a drum with a 7-0-cm (3-inches) or less bung opening) and the hazardous waste contains solids or semisolids that make its placement in a closed head drum impracticable, an equivalent (except for closure) open head drum may be used for the hazardous waste.

(Source: Amended at 22 Ill. Reg. 5694, effective MAR 4 1996)

Section 171.21 Retailer Exemption

AGENCY NOTE: See 49 CFR 173.6 that is incorporated by reference at Section 173.3000 pertaining to Materials of Trade Exemption.

- a) Hazardous materials with Hazard class or division numbers listed in Table 2 of 49 CFR 172.504(e) which are transported in less than case lot quantities or when repackaged to comply with the quantity limitations prescribed in subsection (b) are not subject to these regulations if all of the following conditions are met:
- 1) Packagings of hazardous materials are enclosed in strong outside packages (49 CFR 171.8), cushioned, if necessary, to prevent breaking and leakage (49 CFR 173.24 and 173.24a);
- 2) Gross weight of less than case lots and single unit packagings is not over 45 kilograms (100 pounds) per vehicle;
- 3) Transportation is by private motor vehicle, in intrastate commerce, between a final distribution point and a retail establishment or between a retail establishment and a final end user; and
- 4) The distance to be travelled does not exceed 161 kilometers (100 miles).
- b) Each packaging of hazardous materials subject to this exception shall not exceed the quantity limits established below:
- 1) For liquids 19 liters (5 gallons);
- 2) For dry materials, 11 kilograms (25 pounds);
- 3) For compressed gases:
- A) In containers of not more than four fluid ounces capacity (7.2 cubic inches or less);
- B) In metal containers with pressure not exceeding 100 psig at 130°F, not to exceed 27.7 fluid ounces (50 cubic inches);
- C) For freon, authorized cylinders not to exceed 30-pound

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- capacity; or
- B) Any other packaging authorized as inside packaging by 92 Ill. Adm. Code 173.306.

(Source: Amended at 22 Ill. Reg. 5694, effective MAR 4 1996)

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1996; as amended at 61 FR 65958, December 16, 1996; as amended at 62 FR 1208, January 8, 1997; as amended at 62 FR 1217, January 8, 1997; as amended at 62 FR 7638, February 19, 1997; as amended at 62 FR 24690, May 6, 1997; as amended at 62 FR 29673, June 2, 1997; as amended at 62 FR 30767, June 5, 1997; as amended at 62 FR 34667, June 27, 1997; as amended at 62 FR 39398, July 22, 1997; as amended at 62 FR 44038, August 18, 1997; as amended at 62 FR 44913, August 25, 1997; as amended at 62 FR 49560, September 22, 1997; and as amended at 62 FR 51554, October 1, 1997, 1994, as amended at 59 PR 53116, October 21, 1994, as amended at 59 PR 55162, November 3, 1994, as amended at 59 PR 64742, December 15, 1994, as amended at 59 PR 67390, December 29, 1994, as amended at 60 PR 26796, May 18, 1995, as amended at 60 PR 39608, August 2, 1995, as amended at 60 PR 40930, August 4, 1995, as amended at 60 PR 40780, September 20, 1995, as amended at 60 PR 49040, September 21, 1995, as amended at 60 PR 49106, September 21, 1995, and as amended at 60 PR 50292, September 20, 1995, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

- 171.4 Marine Pollutions
- 171.7 Referenced Material
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## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to "these regulations" refers to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 107 through 180.
- 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.

(Source: Amended Ill. Reg. 5694, effective 1/1/93 at 4/1/93)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) Section Numbers: Adopted Action:  
107.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective date of rules: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes  
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: March 3, 1998
- 9) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14918
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:  
Grammatical and formatting changes were made throughout the Part.  
In Section 172.2000(a), "as amended at 62 FR 14434, March 26, 1997;" was inserted after ". . . January 8, 1997". Also in this subsection, "60 FR 62796" was changed to "60 FR 26796".
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 172 as of October 1, 1996, and including the federal rulemakings adopted

## DEPARTMENT OF TRANSPORTATION

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at 62 FR 1217, January 8, 1997; 62 FR 14334, March 26, 1997; 62 FR 24690, May 6, 1997; 62 FR 30767, June 5, 1997; 62 FR 34667, June 27, 1997; 62 FR 39398, July 22, 1997; 62 FR 45702, August 28, 1997; 62 FR 46214, September 2, 1997; and 62 FR 51554, October 1, 1997.

The Department's regulations will incorporate changes made in the following Dockets:

Docket HM-206 (62 FR 1217, January 8, 1997) Amends the Hazardous Materials Regulations to better identify hazardous materials in transportation. Changes include adding a new "POISON INHALATION HAZARD" label and placard to enhance the identification of materials which are poisonous if inhaled, lowering the quantity for specific hazard class placarding and other enhancements to the hazard communication system. Improved identification of hazardous materials in transportation assists emergency response personnel in responding to incidents involving hazardous materials.

Docket HM-181H (62 FR 14334, March 26, 1997) Corrects errors in the September 26, 1996 final rule and responds to petitions for reconsideration.

Docket HM-215B (62 FR 24690, May 6, 1997) Amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-224A (62 FR 30767, June 5, 1997) Amends the Hazardous Materials Regulations to add a specific shipping description to the Hazardous Materials Table for chemical oxygen generators and to require approval of a chemical oxygen generator, and its packaging, when the chemical oxygen generator is to be transported with its means of initiation attached.

Docket HM-224A (62 FR 34667, June 27, 1997) Delays the effective date of the final rule of June 5, 1997; authorizes permissive compliance immediately; and corrects an error in the Hazardous Materials Table.

Docket HM-206 (62 FR 39398, July 22, 1997) Makes changes and corrects errors to the final rule published on January 8, 1997. Changes include postponement until October 1, 1998, of the effective date of the January 8, 1997 final rule, and until October 1, 1999, of the date for compliance with a requirement for new labels on packagings containing materials poisonous by inhalation.

Docket HM-215B (62 FR 45702, August 28, 1997) Makes corrections to final rule of May 6, 1997.

Docket HM-206 (62 FR 45702, August 28, 1997) Makes corrections to final

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

rule of July 22, 1997.

Docket HM-169B (62 FR 46214, September 2, 1997) Removes Radiation Protection Program regulations and related modal provisions for persons who offer, accept for transportation, or transport radioactive materials.

Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is to enhance the accuracy and reduce misunderstanding of the HMR.

Section 172.2000(b)(7) is removed. The schedule of dates to establish the training program have passed. This subsection is no longer necessary.

16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 172

## HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS

## Section

172.1000 General

172.2000 Incorporation by Reference of 49 CFR 172

172.2215 Permanent Shipping Papers (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487 and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. 7874, effective May 6, 1994; amended at 20 Ill. Reg. 6549, effective April 30, 1996; amended at 22 Ill. Reg. 5703, effective MAR 4 1998.

## Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1996; as amended at 62 FR 1217, January 8, 1997; as amended at 62 FR 14434, March 26, 1997; as amended at 62 FR 24690, May 6, 1997; as amended at 62 FR 30767, June 5, 1997; as amended at 62 FR 34667, June 27, 1997; as amended at 62 FR 39398, July 22, 1997; as amended at 62 FR 45702, August 28, 1997; as amended at 62 FR 46214, September 2, 1997; and as amended at 62 FR 51554, October 1, 1997. 1994--as amended at 59--PR-67390--December-297 1994--as amended at 60--PR-26796--May-10--1995--as amended at 60--PR-39600--August--2--1995--as amended at 60--PR-39991--August-4--1995--as

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

amended at 60--PR-40030--August-4--1995--as amended at 60--PR-40780--September-20--1995--as amended at 60--PR-40948--September-21--1995--as amended at 60--PR-49106--September-21--1995--and as amended at 60--PR-50292--September-28--1995--subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 172 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to Parts 174, 175, or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

7) The schedule established in Section 172.704 for implementation of a training program is modified as follows:

A) Part 172.704(c)(1) is modified as follows:  
hazmat--employees--employed--on--or--before--July-2--1994--to complete training prior to October 1, 1994.

B) Part 172.704(c)(1) is modified to require intrastate hazmat--employees--employed--after--July-2--1994--to complete training within 90 days after employment.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective

MAR 4 1998



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures
- 2) Code Citation: 92 Ill. Adm. Code 107
- 3) Section Numbers: Adopted Action:  
 107.3 Amend  
 107.309 Amend  
 107.315 Amend  
 107.601 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective date of rules: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes  
 These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: March 3, 1998
- 9) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14923
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:  

Various grammatical and formatting changes were made throughout the Part.

In response to public comment at Section 107.3, the Department added definitions of "North American Uniform Out-of-Service Criteria" and "Out-of-Service Order." The Department also, in response to public comment, added language at Section 107.309 that authorizes the Illinois State Police to place a hazardous material shipment out-of-service under the North American Uniform Out-of-Service Criteria.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 107, Subpart G as of October 1, 1996. This rulemaking also amends Sections 107.3 and 107.309 to include language that will authorize the Illinois State Police to place a hazardous material shipment out-of-service under the North American Uniform Out-of-Service Criteria. Additionally, Section 107.315 is amended to reduce the number of days, from 180 days to 90 days, that a person charged with a violation of the Illinois Hazardous Materials Transportation Regulations (IHMTR) has to reach settlement before a Notice of Probable Violation can be served upon that person. This change will result in a more efficient settlement of violations of the IHMTR.
- 16) Information and questions regarding these adopted rules shall be directed to:  
 Ms. Catherine Allen  
 Illinois Department of Transportation  
 Division of Traffic Safety  
 P.O. Box 19212  
 Springfield, Illinois 62794-9212  
 (217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 107  
PROCEDURES

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107.371 Criminal Penalties Generally  
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## SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section  
107.601 Incorporation by Reference of 49 CFR 107, Subpart G

APPENDIX A Standard Conditions Applicable to Exemptions, Packages, Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990; amended at 14 Ill. Reg. 8189, effective May 15, 1990; amended at 18 Ill. Reg. 7881, effective May 6, 1994; amended at 20 Ill. Reg. 6554, effective April 30, 1996; amended at 22 Ill. Reg. ~~5708~~ effective ~~MAC~~ ~~4 1996~~.

## SUBPART A: GENERAL PROVISIONS

## Section 107.3 Definitions

As used in this Part:

"Act" means the Illinois Hazardous Materials Transportation Act [430 ILCS 30].

"Department" means the Illinois Department of Transportation.

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"Director" means the Director of the Division of Traffic Safety.

"Division" means the Division of Traffic Safety.

"Enforcement" means issuance of warnings or notices of violation of any provision of the Act and the Illinois Hazardous Materials Transportation Regulations. (IHMTR) and prosecution of violations of the IHMTR and the Act.

"IHMTR" means the Illinois Hazardous Materials Transportation Regulations.

"Knowingly" means a person has actual knowledge of the facts giving rise to the violation, or a reasonable person acting in the circumstances and exercising due care would have such knowledge.

"North American Uniform Out-Of-Service Criteria" means a set of guidelines recognized by all states and the provinces of Canada as acceptable standards for identifying critical violations that may render a driver, a commercial motor vehicle or a hazardous material load out-of-service. The criteria is enforced by law enforcement officers of a state or the federal government.

"Out-of-service order" means a declaration by the State Police that a hazardous material shipment is out-of-service pursuant to 92 Ill. Adm. Code 171.2(a), 171.2(b) or 171.2(c) and the North American Uniform Out-of-Service Criteria as defined in this Section.

"Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or its legal representative, agent or assigns.

"Respondent" means a person upon whom the Department has served a notice of probable violation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"State" means the State of Illinois.

"State Police" includes any individual officer of the State Police.

(Source: Amended 4/1/98 22 Ill. Reg. 5709, effective

SUBPART D: ENFORCEMENT

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## Section 107.309 Stopping of Vehicles

- a) The State Police shall stop any vehicle when the State Police has reason to believe that an imminent hazard exists. "Imminent hazard," as used in this section, exists if there is a likelihood that death, serious illness, or personal injury will occur prior to the completion of a formal proceeding initiated to abate the risk of such harm.
- b) If the State Police stop a vehicle pursuant to 92 Ill. Adm. Code 171.2(c), the State Police shall prevent the further movement of the hazardous materials and shall tag the vehicle carrying the hazardous material so as to place the vehicle out of service until such time as the imminent danger observed is abated.

- c) Whenever the State Police stop and inspect any motor vehicle for any violation of the Act or IHMTR and identify violations that trigger placing the hazardous material shipment out-of-service under the "North American Uniform Out-of-Service Criteria," the State Police shall prevent the further movement of the hazardous material and shall issue an out-of-service order by tagging the hazardous material shipment so as to place it out-of-service until such time as the unsafe condition is corrected and the shipment complies with the IHMTR. North American Uniform Out-of-Service Criteria include but are not limited to:

- 1) Transporting hazardous materials not accompanied by a shipping paper that indicates hazardous materials are being transported;
- 2) Fifty percent or more of required placards for a hazard class are missing or any placards misrepresent the hazardous materials being transported;
- 3) Transporting hazardous materials in a bulk packaging not authorized for the material being transported; and
- 4) Hazardous materials leaking from a package. (North American Uniform Out-of-Service Criteria, Commercial Vehicle Safety Alliance Operations Manual, April 1, 1998)

- de) Whenever the State Police stop a vehicle and the driver or operator of the vehicle is able to properly abate the existing danger, the vehicle shall be permitted to continue in service; however, the State Police shall notify the Director of the matter and the Director shall notify the employer of the driver or operator and the owner or lessor of the vehicle if the owner or lessor is not the employer.

(Source: Amended 4/1/98 Ill. Reg. 5708, effective

## Section 107.315 Commencement of Civil Penalty Proceeding

- a) The Department, by the Director or his authorized representative, begins a civil penalty proceeding by serving a Notice of Intent to Assess Civil Monetary Penalty, in accordance with Section 107.11, on a person charging that person with having knowingly committed an act



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

which is a violation of one or more provisions of the IHMTR.

- b) A Notice of Intent to Assess Civil Monetary Penalty issued under this Section shall include:

- 1) Notice of the provision(s) of the IHMTR or settlement agreement in which the respondent is believed to have violated;
- 2) A brief description of the manner in which the respondent is believed to have violated the IHMTR or settlement agreement;
- 3) Notice of the maximum amount of civil penalty for which the respondent may be liable;
- 4) Notice of the amount of the civil penalty sought to be assessed by the Department; pursuant to 92 Ill. Adm. Code 401;
- 5) A description of the manner in which the respondent shall make payment in accordance with Section 107.317 of any money to the State;
- 6) A statement that the respondent may request a conference with the Department, by verbal or written request to the Director, to review and discuss the alleged violation and civil penalty, and of the procedures for requesting a conference; and
- 7) A statement that if a settlement cannot be reached within 90 days, a Notice of Probable Violation will be served upon the respondent, and the respondent will have an opportunity for a hearing as provided by Section 11 of the Act and the IHMTR.

- c) In the event that the Department and the respondent do not enter a settlement agreement following service of a Notice of Intent to Assess Civil Monetary Penalty, the Department by the Director shall serve a Notice of Probable Violation on the respondent.

- d) A Notice of Probable Violation issued under this Section includes:

- 1) A statement of the provision(s) of the IHMTR or of a settlement agreement which the respondent is believed to have violated;
- 2) A statement of the factual allegations upon which the proposed civil penalty is being sought;
- 3) Notice of the maximum amount of civil penalty for which the respondent may be liable;
- 4) Notice of the amount of the civil penalty sought to be assessed by the Department;
- 5) A description of the manner in which the respondent shall make payment of any money to the State in accordance with Section 107.317;
- 6) A statement of respondent's right to request a hearing and the procedures for requesting a hearing in accordance with Section 107.318; and
- 7) A statement of respondent's right to appear at the hearing and to present relevant written or oral explanations, information and materials in answer to the allegations or in mitigation of the penalty.

- e) A settlement of a civil penalty proceeding may be effectuated at any time upon agreement of the parties, shall be reduced to writing by the Department and signed by the parties. Terms of the settlement may

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include a reduction in the amount of the proposed civil penalty, and may include training and procedural requirements agreed upon by the respondent and Department. Training and procedural requirements may be agreed upon to increase awareness of and compliance with 92 Ill. Adm. Code 107 through 180, and 397, and those portions of 49 CFR adopted by reference.

(Source: Amended at 22 Ill. Reg. 5708, effective MAR 4 1998)

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G

- a) 49 CFR 107, Subpart G is hereby incorporated by reference as that Subpart of the Hazardous Materials Transportation Regulations was in effect on October 1, 1996 1994, ~~as amended at 68--FR--272317--May--23, 1995~~. No later amendments to or editions of 49 CFR 107, Subpart G are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 107, Subpart G shall apply for the purposes of this Subpart.

- 1) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 107.
- 2) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
- 3) Any reference to a section in the incorporated material shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

(Source: Amended at 22 Ill. Reg. 5708, effective MAR 4 1998)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rulemaking Procedures

- 2) Code Citation: 92 Ill. Adm. Code 102

- 3) Section Numbers: Adopted Action:  
 102.5 Amend  
 102.7 Amend  
 102.9 Amend

- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

- 5) Effective date of rules: March 4, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date filed in agency's principal office: March 3, 1998

- 9) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14929

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:

At Sections 102.5, 102.9 and 102.31 in the Table of Contents, the Department corrected the headings to match the text.

The Authority Note has been corrected in the text.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the address for the Department's Division of Traffic Safety. The Department is also updating the statutory citations.

- 16) Information and questions regarding these adopted rules shall be directed to:

## DEPARTMENT OF TRANSPORTATION

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Ms. Catherine Allen  
 Illinois Department of Transportation  
 Division of Traffic Safety  
 P.O. Box 19212  
 Springfield, Illinois 62794-9212  
 (217) 785-1181

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 5716, effective MAR 4 1998)

Section 102.7 Records

Records of the Division of Traffic Safety relating to rulemaking proceedings are available for inspection as provided in Section 5-10(a)(ii) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(ii)] ~~Ill. Rev. Stat., 1991, ch. 127, par. 1005-10(a)(ii).~~

(Source: Amended at 22 Ill. Reg. 5716, effective MAR 4 1998)

Section 102.9 Where to File Petitions

Any petition filed by any person relating to any proposed or existing regulation concerning the transportation of hazardous materials must be submitted to: Director, Division of Traffic Safety, Illinois Department of Transportation, 3125 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212. ~~3300-South-Birken-Parkway-Springfield, Illinois-62764.~~

(Source: Amended at 22 Ill. Reg. 5716, effective MAR 4 1998)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 102  
RULEMAKING PROCEDURES  
SUBPART A: GENERAL

- Section  
102.1 Scope  
102.3 Definitions  
102.5 Regulatory Dockets dockets  
102.7 Records  
102.9 Where to File Petitions file-petitions

SUBPART B: PROCEDURES FOR ADOPTION OF RULES

- Section  
102.11 General  
102.31 Petitions for Rulemaking rulemaking

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17978; amended at 22 Ill. Reg. 5716, effective MAR 4 1998.

SUBPART A: GENERAL

Section 102.5 Regulatory Dockets

- a) Information and data relating to rulemaking actions, including notices of proposed rulemaking, comments received in response to notices, records of additional rulemaking proceedings, and final regulations are maintained by the Division of Traffic Safety, Illinois Department of Transportation, 3125 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212. ~~3300-South-Birken-Parkway-Springfield, Illinois-62764.~~
- b) Any person may examine and copy any docketed material at the offices of the Division of Traffic Safety during regular business hours after the docket is established, except material which the Director determines should be withheld from public disclosure under applicable provisions of any statute administered by the Director or which are deemed confidential by State or Federal Statute or which the Director determines to constitute trade secrets.



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) Section Numbers: Adopted Action:  
173.3000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective date of rules: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule amendment contain incorporations by reference? Yes  
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: March 3, 1998
- 9) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14933
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:  
  
Grammatical and formatting changes were made throughout the Part. At Section 173.3000(b)(7), the Department replaced the lead-in paragraph with the following language:  
  
"A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:"
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 173, as of October 1, 1996, and including the federal rulemakings adopted at 61 FR 68952, December 30, 1996; 62 FR 1208, January 8, 1997; 62 FR 1217, January 8, 1997; 62 FR 14334, March 26, 1997; 62 FR 24690, May 6, 1997; 62 FR 45702, August 28, 1997; 62 FR 49560, September 22, 1997; and 62 FR 51554, October 1, 1997.  
  
The Department's regulations will incorporate changes made in the following Dockets:  
  
Docket HM-224 (61 FR 68952, December 30, 1996) Prohibits the transportation of oxygen generators as cargo on board passenger-carrying aircraft.  
  
Docket HM-200 (62 FR 1208, January 8, 1997) Requires that all intrastate shippers and carriers comply with the Hazardous Materials Regulations with certain exceptions. The intended effect of this rule is to raise the level of safety in the transportation of hazardous materials.  
  
Docket HM-206 (62 FR 1217, January 8, 1997) Amends the Hazardous Materials Regulations to better identify hazardous materials in transportation. Changes include adding a new "POISON INHALATION HAZARD" label and placard to enhance the identification of materials which are poisonous if inhaled, lowering the quantity for specific hazard class placarding and other enhancements to the hazard communication system. Improved identification of hazardous materials in transportation assists emergency response personnel in responding to incidents involving hazardous materials.  
  
Docket HM-181H (62 FR 14334, March 26, 1997) Corrects errors in the September 26, 1996 final rule and responds to petitions for reconsideration.  
  
Docket HM-215B (62 FR 24690, May 6, 1997) Amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.  
  
Docket HM-215B (62 FR 45702, August 28, 1997) Makes corrections to final rule of May 6, 1997.  
  
Docket HM-200 (62 FR 49560, September 22, 1997) Makes changes and corrects errors in the final rule published on January 8, 1997. Changes include postponement until October 1, 1998 for the effective date of the January 8, 1997 final rule.  
  
Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

to enhance the accuracy and reduce misunderstanding of the HMR.

Section 173.3000(b)(6) is deleted. The marking requirements referenced in this subsection are no longer found in 49 CFR 173.24(c)(3). A new subsection (b)(6) replaces the existing language although the new language is not new to the Part, it is simply being relocated from current subsection (b)(10).

Section 173.3000(b)(7) is deleted and a new subsection (b)(7) replaces it to allow for the limited exception for the use of permanently secured non-bulk tanks for petroleum products which conform to the requirements of the state where it is being operated and is specifically authorized by the state statute or regulation in effect before October 1, 1998. This change is made pursuant to 62 FR 1208, January 8, 1997.

Sections 173.3000(b)(8) and (9) are removed. These two subsections prohibit a non-specification cargo tank used for the transportation of liquefied petroleum gas from operation in Illinois. However, these cargo tanks can now be used in Illinois if operated under the conditions of an IDOT exemption.

The provisions in Section 173.3000(b)(10) are moved and renumbered to subsection (b)(6).

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 173

## SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

## Section

173.2000 General

173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective July 13, 1992; amended at 18 Ill. Reg. 7895, effective May 6, 1994; amended at 20 Ill. Reg. 6560, effective April 30, 1996; amended at 22 Ill. Reg. ~~5720~~ <sup>5720</sup>, effective ~~May 4, 1998~~ <sup>May 4, 1998</sup>

## Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 173 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1996 1994-as-amended-at-59-PR 55162-November-37-1994-as-amended-at-59-PR-67390-December-29-1994-as-amended-at-60-PR-76277-February-67-1995-as-amended-at-60-PR-173987 April-57-1995-as-amended-at-60-PR-26796-May-18-1995-as-amended-at-60-PR-400307-August-47-1995-as-amended-at-60-PR-487807-September-207-1995-as-amended-at-60-PR-490487-September-217-1995-as-amended-at-60-PR-491067-September-217-1995-as-amended-at-60-PR-491067-September-217-1995-and-as-amended-at-60-PR-502927-September-287-1995; as amended at 61 FR 68952, December 30, 1996; as amended at 62 FR 1208, January 8, 1997; as amended at 62 FR 1217, January 8, 1997; as amended at 62 FR 14334, March 26, 1997; as amended at 62 FR 24690, May 6, 1997; as amended at 62 FR 45702, August 28, 1997; as amended at 62 FR 49560, September 22, 1997; and as amended at 62 FR 51554, October 1, 1997,

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part.

1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to Parts 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.

Section 173.24(c)(3) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

The markings in this Section are not required for a surface moisture/density gauge transported as Radioactive Material 173.24(c)(3) when accompanied by a signed statement or certification from the manufacturer of the gauge attesting that the gauge construction complies with all package specifications set forth in Sections 173.415 and 173.416 except those that pertain to marking.

7) 49 CFR 173.8(d)(3) is not incorporated by reference and is replaced by the following:

A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:

A) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.

B) Tanks shall be securely fastened to prevent separation from the vehicle.

C) Tanks shall be electrically bonded to the frame of the vehicle.

D) Tanks shall be protected against leakage or damage in the event of a turnover.

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

E) Tanks may not be drained by gravity. Top mounted pumps must be designed and labeled for use with flammable and combustible liquids. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).

F) Flammable liquid petroleum products being transported on a single vehicle may not exceed 450 liters (119 gallons).

G) Flammable liquid petroleum product is offered for transportation and transported in conformance with all other applicable requirements of this Subchapter.

7) Section 173.150(f) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

Gasoline being transported in a packaging having a rated capacity of 416 liters (110 gallons) or less which is in compliance with the rules of the Office of the State Fire Marshal, 41 Ill. Adm. Code 170.15(c) is not subject to Subchapter C of these regulations except for sections 172.504(e) placing 173.24 and 173.28 which cover standard requirements for all packages and the reuse of packaging section 177.037 regarding the loading and unloading of flammable liquids and sections 177.7 and 177.13 covering parking and smoking to the extent those sections apply.

8) Section 173.313(a) Note 17 is deleted from the federal regulations and a new Section 173.315(a) Note 17 is added to the Illinois regulations to read as follows:

Specifications MG-330 and MG-331 cargo tanks with a design service pressure of 250 psig built in compliance with the Federal ICC or Federal DOT regulations at the time of manufacture which meet all other design and testing requirements specified by Part 180 for cargo tanks in anhydrous ammonia service and which have been in anhydrous ammonia service in Illinois before February 17, 1997 may continue to be used in such service. No cargo tank that has not been in anhydrous ammonia service in Illinois before February 17, 1997 may be placed in such service in Illinois after that date unless it meets all requirements of the specifications including a minimum design service pressure of 265 psig.

9) Section 173.315(k) in 49 CFR is deleted and not incorporated.

10) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.

(Source: Amended at 22 Ill. Reg. 520, effective 1/1/94)



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) Section Numbers: Adopted Action:  
178.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) Effective date of rules: March 4, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? Yes  
These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.
- 8) Date filed in agency's principal office: March 3, 1998
- 9) Notice of proposal published in Illinois Register: November 21, 1997, 21 Ill. Reg. 14940
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: The following changes were made in agreement with JCAR and the Code Division:  
Various grammatical and formatting changes were made throughout the Part.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules: By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 178, as of October 1, 1996, and including the federal rulemakings adopted at 62 FR 14334, March 26, 1997; 62 FR 24690, May 6, 1997; and 62 FR 51554, October 1, 1997.

The Department's regulations will incorporate changes made in the following Dockets:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

Docket HM-181H (62 FR 14334, March 26, 1997) Corrects errors in the September 26, 1996 final rule and responds to petitions for reconsideration.

Docket HM-215B (62 FR 24690, May 6, 1997) Amends the Hazardous Materials Regulations to maintain alignment with corresponding provisions of international standards. These revisions are necessary to facilitate the transport of hazardous materials in international commerce.

Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is to enhance the accuracy and reduce misunderstanding of the HMR.

- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 178

## SPECIFICATIONS FOR PACKAGINGS

Section	
178.321	Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B
178.321.0.1	[178.321-1] General Requirements
178.321.0.2	[178.321-2] Material
178.321.0.3	[178.321-3] Thickness
178.321.0.4	[178.321-4] Joints
178.321.0.5	[178.321-5] Bulkheads, Baffles, and Ring Stiffeners
178.321.0.6	[178.321-6] Closures for Manholes
178.321.0.7	[178.321-7] Overturn Protection
178.321.0.8	[178.321-8] Outlets
178.321.0.9	[178.321-9] Vents, Valves, and Connections
178.321.1.0	[178.321-10] Protection of Fittings
178.321.1.1	[178.321-11] Emergency Discharge Control
178.321.1.2	[178.321-12] Shear Section
178.321.1.3	[178.321-13] Anchoring of Tank
178.321.1.4	[178.321-14] Gauging Devices
178.321.1.5	[178.321-15] Pumps
178.321.1.6	[178.321-16] Testing Requirements
178.321.1.7	[178.321-17] Marking of Cargo Tanks
178.321.1.8	[178.321-18] Certification
178.322	Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B
178.322.0.1	[178.322-1] General Requirements
178.322.0.3	[178.322-3] Certification
178.322.0.5	[178.322-5] Marking of Cargo Tanks
178.322.0.9	[178.322-9] Testing Requirements
178.322.1.1	[178.322-11] Material
178.322.1.2	[178.322-12] Thickness of Sheets and Ring Stiffeners
178.322.1.3	[178.322-13] Tolerance
178.322.1.4	[178.322-14] Joints
178.322.1.7	[178.322-17] Tank Outlets
178.322.1.8	[178.322-18] Bulkheads, Baffles, and Ring Stiffeners
178.322.1.9	[178.322-19] Tank Vents
178.322.2.0	[178.322-20] Valve and Faucet Connections
178.322.2.1	[178.322-21] Emergency Discharge Control
178.322.2.2	[178.322-22] Shear Section
178.322.2.3	[178.322-23] Protection of Valves and Faucets

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## [178.322-24] Overturn Protection

178.322.2.4	Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
178.323	[178.323-1] General Requirements
178.323.0.1	[178.323-2] Material
178.323.0.2	[178.323-3] Thickness of Metal
178.323.0.3	[178.323-4] Joints
178.323.0.4	[178.323-5] Bulkheads, Baffles, and Ring Stiffeners
178.323.0.5	[178.323-6] Closures for Manholes
178.323.0.6	[178.323-7] Overturn Protection
178.323.0.7	[178.323-8] Tank Outlets
178.323.0.8	[178.323-9] Vents, Valves, and Connections
178.323.0.9	[178.323-10] Protection of Fittings
178.323.1.0	[178.323-11] Emergency Discharge Control
178.323.1.1	[178.323-12] Shear Section
178.323.1.2	[178.323-13] Anchoring of Tank
178.323.1.3	[178.323-14] Gauging Devices
178.323.1.4	[178.323-15] Pumps
178.323.1.5	[178.323-16] Testing Requirements
178.323.1.6	[178.323-17] Marking of Cargo Tanks
178.323.1.7	[178.323-18] Certification
178.323.1.8	Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
178.324	[178.324-1] General Requirements
178.324.0.1	[178.324-2] Material
178.324.0.2	[178.324-3] Thickness of Metal
178.324.0.3	[178.324-4] Joints
178.324.0.4	[178.324-5] Bulkheads, Baffles, and Ring Stiffeners
178.324.0.5	[178.324-6] Closures for Manholes
178.324.0.6	[178.324-7] Overturn Protection
178.324.0.7	[178.324-8] Outlets
178.324.0.8	[178.324-9] Vents, Valves, and Connections
178.324.0.9	[178.324-10] Protection of Fittings
178.324.1.0	[178.324-11] Emergency Discharge Control
178.324.1.1	[178.324-12] Shear Section
178.324.1.2	[178.324-13] Anchoring of Tank
178.324.1.3	[178.324-14] Gauging Devices
178.324.1.4	[178.324-15] Pumps
178.324.1.5	[178.324-16] Testing Requirements
178.324.1.6	[178.324-17] Marking of Cargo Tanks
178.324.1.7	[178.324-18] Certification
178.324.1.8	Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
178.325	

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## NOTICE OF ADOPTED AMENDMENTS

B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100° F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases

178.325.0.1

178.325.0.2

178.325.0.3

178.325.0.4

178.325.0.5

178.325.0.6

178.325.0.7

178.325.0.8

178.325.0.9

178.325.1.0

178.325.1.1

178.325.1.2

178.325.1.3

178.325.1.4

178.325.1.5

178.325.1.6

178.325.1.7

178.325.1.8

178.326

178.326.0.1

178.326.0.2

178.326.0.3

178.326.0.4

178.326.0.5

178.326.0.6

178.326.0.7

178.326.0.8

178.326.0.9

178.326.1.0

178.326.1.1

178.326.1.2

178.326.1.3

178.326.1.4

178.326.1.5

178.326.1.6

178.326.1.7

178.326.1.8

178.330

178.330.0.1

178.330.0.2

178.330.0.3

[178.325-1] General Requirements

[178.325-2] Material

[178.325-3] Thickness of Metal

[178.325-4] Joints

[178.325-5] Bulkheads, Baffles, and Ring Stiffeners

[178.325-6] Closures for Manholes

[178.325-7] Overturb Protection

[178.325-8] Tank Outlets

[178.325-9] Safety Relief Devices, Valves, and Connections

[178.325-10] Protection of Fittings

[178.325-11] Emergency Discharge Control

[178.325-12] Shear Section

[178.325-13] Anchoring of Cargo Tank

[178.325-14] Gauging Devices

[178.325-15] Pumps

[178.325-16] Testing Requirements

[178.325-17] Marking of Cargo Tanks

[178.325-18] Certification

Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

[178.326-1] General Requirements

[178.326-2] Material

[178.326-3] Thickness of Sheets

[178.326-4] Joints

[178.326-5] Bulkheads, Baffles, and Ring Stiffeners

[178.326-6] Closures for Manholes

[178.326-7] Overturb Protection

[178.326-8] Tank Outlets

[178.326-9] Vents, Valves, and Connections

[178.326-10] Protection of Fittings

[178.326-11] Emergency Discharge Control

[178.326-12] Shear Section

[178.326-13] Anchoring of Cargo Tank

[178.326-14] Gauging Devices

[178.326-15] Pumps

[178.326-16] Testing Requirements

[178.326-17] Marking of Cargo Tanks

[178.326-18] Certification

Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids

[178.330-1] General Requirements

[178.330-2] Material

[178.330-3] Thickness of Metal

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

[178.330-4] Joints  
[178.330-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

178.330.0.4

178.330.0.5

178.330.0.6

178.330.0.7

178.330.0.8

178.330.0.9

178.330.1.0

178.330.1.1

178.330.1.2

178.330.1.3

178.330.1.4

178.330.1.5

178.330.1.6

178.330.1.7

178.330.1.8

178.331

178.331.0.1

178.331.0.2

178.331.0.3

178.331.0.4

178.331.0.5

178.331.0.6

178.331.0.7

178.331.0.8

178.331.0.9

178.331.1.0

178.331.1.1

178.331.1.2

178.331.1.3

178.331.1.4

178.331.1.5

178.331.1.6

178.331.1.7

178.331.1.8

178.336

178.336.0.1

178.336.0.2

178.336.0.3

178.336.0.4

178.336.0.5

178.336.0.6

178.336.0.7

178.336.0.8

[178.330-6] Closures for Manholes

[178.330-7] Overturb Protection

[178.330-8] Outlets

[178.330-9] Vents, Valves, and Connections

[178.330-10] Protection of Fittings

[178.330-11] Emergency Discharge Control

[178.330-12] Shear Section

[178.330-13] Anchoring of Tank

[178.330-14] Gauging Devices

[178.330-15] Pumps and Compressors

[178.330-16] Testing Requirements

[178.330-17] Marking of Cargo Tanks

[178.330-18] Certification

Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids

[178.331-1] General Requirements

[178.331-2] Material

[178.331-3] Thickness of Metal

[178.331-4] Joints

[178.331-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

[178.331-6] Closures for Manholes

[178.331-7] Overturb Protection

[178.331-8] Outlets

[178.331-9] Vents, Valves, and Connections

[178.331-10] Protection of Fittings

[178.331-11] Emergency Discharge Control

[178.331-12] Shear Section

[178.331-13] Anchoring of Tank

[178.331-14] Gauging Devices

[178.331-15] Pumps and Compressors

[178.331-16] Testing Requirements

[178.331-17] Marking of Cargo Tanks

[178.331-18] Certification

Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases

[178.336-1] General Requirements

[178.336-2] Material

[178.336-3] Thickness of Metal

[178.336-4] Joints

[178.336-5] Bulkheads, Baffles, and Ring Stiffeners

[178.336-6] Closures for Manholes

[178.336-7] Overturb Protection

[178.336-8] Outlets



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

178.336-0.9 [178.336-9] Safety Relief Devices, Valves, and Connections  
178.336-1.0 [178.336-10] Protection of Fittings  
178.336-1.1 [178.336-11] Emergency Discharge Control  
178.336-1.2 [178.336-12] Shear Section  
178.336-1.3 [178.336-13] Anchoring of Cargo Tank  
178.336-1.4 [178.336-14] Gauging Devices  
178.336-1.5 [178.336-15] Pumps and Compressors  
178.336-1.6 [178.336-16] Testing Requirements  
178.336-1.7 [178.336-17] Marking of Cargo Tanks  
178.336-1.8 [178.336-18] Certification  
178.337 Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined. In the Compressed Gas Section (Repealed)  
178.337-0.1 [178.337-1] General Requirements (Repealed)  
178.337-0.2 [178.337-2] Material (Repealed)  
178.337-0.3 [178.337-3] Thickness of Tank Metal (Repealed)  
178.337-0.4 [178.337-4] Joints (Repealed)  
178.337-0.5 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)  
178.337-0.6 [178.337-6] Closure for Manhole (Repealed)  
178.337-0.7 [178.337-7] Overturn Protection (Repealed)  
178.337-0.8 [178.337-8] Outlets (Repealed)  
178.337-0.9 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)  
178.337-1.0 [178.337-10] Protection of Fittings (Repealed)  
178.337-1.1 [178.337-11] Emergency Discharge Control (Repealed)  
178.337-1.2 [178.337-12] Shear Section (Repealed)  
178.337-1.3 [178.337-13] Supporting and Anchoring (Repealed)  
178.337-1.4 [178.337-14] Gauging Devices (Repealed)  
178.337-1.5 [178.337-15] Pumps and Compressors (Repealed)  
178.337-1.6 [178.337-16] Testing (Repealed)  
178.337-1.7 [178.337-17] Marking (Repealed)  
178.337-1.8 [178.337-18] Certification (Repealed)  
178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)  
178.340-0.1 [178.340-1] Specification Requirements For MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)  
178.340-0.2 [178.340-2] General Requirements (Repealed)  
178.340-0.3 [178.340-3] Material (Repealed)  
178.340-0.4 [178.340-4] Structural Integrity (Repealed)  
178.340-0.5 [178.340-5] Joints (Repealed)  
178.340-0.6 [178.340-6] Supports and Anchoring (Repealed)  
178.340-0.7 [178.340-7] Circumferential Reinforcements (Repealed)  
178.340-0.8 [178.340-8] Accident Damage Protection (Repealed)  
178.340-0.9 [178.340-9] Pumps (Repealed)  
178.340-1.0 [178.340-10] Certification (Repealed)  
178.341 Specification MC 306; Cargo Tanks (Repealed)  
178.341-0.1 [178.341-1] General Requirements (Repealed)

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178.341-0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)  
178.341-0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)  
178.341-0.4 [178.341-4] Vents (Repealed)  
178.341-0.5 [178.341-5] Emergency Flow Control (Repealed)  
178.341-0.6 [178.341-6] Gauging Devices (Repealed)  
178.341-0.7 [178.341-7] Method of Test (Repealed)  
178.342 Specification MC 307; Cargo Tanks (Repealed)  
178.342-0.1 [178.342-1] General Requirements (Repealed)  
178.342-0.2 [178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)  
178.342-0.3 [178.342-3] Closures for Manholes (Repealed)  
178.342-0.4 [178.342-4] Vents (Repealed)  
178.342-0.5 [178.342-5] Outlets (Repealed)  
178.342-0.6 [178.342-6] Gauging Devices (Repealed)  
178.342-0.7 [178.342-7] Method of Test (Repealed)  
178.343 Specification MC 312; Cargo Tanks (Repealed)  
178.343-0.1 [178.343-1] General Requirements (Repealed)  
178.343-0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)  
178.343-0.3 [178.343-3] Closures for Manholes (Repealed)  
178.343-0.4 [178.343-4] Vents (Repealed)  
178.343-0.5 [178.343-5] Outlets (Repealed)  
178.343-0.6 [178.343-6] Gauging Devices (Repealed)  
178.343-0.7 [178.343-7] Method of Test (Repealed)  
178.350 Specification 7A; General Packaging, Type A (Repealed)  
178.350-0.1 [178.350-1] General Requirements (Repealed)  
178.350-0.2 [178.350-2] Specific Requirements (Repealed)  
178.350-0.3 [178.350-3] Marking (Repealed)  
178.1000 General  
178.2000 Incorporation by Reference of 49 CFR 178

## APPENDIX C

## Tensile Specimen

## APPENDIX D Material Thickness (Repealed)

## TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)

## TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 9 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988;

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incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.  
3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.  
4) All references to parts ~~Parts~~ 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

(Source: Amended at 22 Ill. Reg. ~~1641~~ 5726, effective ~~1994~~ 1996)

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amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective April 30, 1996; amended at 22 Ill. Reg. ~~5726~~ 5726, effective ~~1994~~ 1996.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.2000 Incorporation by Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 178 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1996; as amended at 62 FR 14334, March 26, 1997; as amended at 62 FR 24690, May 6, 1997; and as amended at 62 FR 51554, October 1, 1997, 1994~~7~~<sup>5</sup>-as-amended--at--59--PR 551627-November-3-1994~~7~~<sup>5</sup>-as-amended-at-59-PR-673907-December-29-1994~~7~~<sup>5</sup>-as-amended-at-60-PR-133987-April-5-1995~~7~~<sup>5</sup>-as-amended-at-60-PR-267967 May-18-1995~~7~~<sup>5</sup>-as-amended-at-60-PR-490307-August-4-1995~~7~~<sup>5</sup>-as-amended-at 60-PR-487807-September-20-1995~~7~~<sup>5</sup>-as-amended-at-60-PR-491067--September 21--1995~~7~~<sup>5</sup>-as-amended-at-60-PR-502927-September-30-1995~~7~~<sup>5</sup> subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.
- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
  - 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
  - 2) All references to "this chapter" or "this subchapter" in the

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Specifications for Tank Cars2) Code Citation: 92 Ill. Adm. Code 1793) Section Numbers: Adopted Action:  
179.2000 Amend4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]5) Effective date of rules: March 4, 19986) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? Yes

These conform to Section 5-75(a) of the Illinois Administrative Procedure Act.

8) Date filed in agency's principal office: March 3, 19989) Notice of proposal published in Illinois Register:

November 21, 1997, 21 Ill. Reg. 14950

10) Has JCAR issued a Statement of Objections to these rules? Yes11) Differences between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

Various grammatical and formatting changes were made throughout the Part.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? No changes were necessary.13) Will this rule replace an Emergency Rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and purpose of rules:

By this Notice of Adopted Amendments, the Department is updating the date of incorporation by reference of 49 CFR 179, as of October 1, 1996, and including the federal rulemaking adopted at 62 FR 51554, October 1, 1997.

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## NOTICE OF ADOPTED AMENDMENTS

The Department's regulations will incorporate changes made in the following Docket:

Docket HM-189N (62 FR 51554, October 1, 1997) Corrects editorial errors, and makes minor regulatory changes. The intended effect of this rule is to enhance the accuracy and reduce misunderstanding of the HMR.

16) Information and questions regarding these adopted rules shall be directed to:Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181The full text of the Adopted Amendments begins on the next page:



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 179

## SPECIFICATIONS FOR TANK CARS

## Section

179.1000 General

179.2000 Incorporation By Reference of 49 CFR 179

**AUTHORITY:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

**SOURCE:** Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective April 30, 1996; amended at 22 Ill. Reg. ~~5736~~ <sup>5738</sup>, effective ~~March 4, 1996~~.

## Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1996 1994; as amended at 62 FR 51554, October 1, 1997, ~~as amended at 60--PR 49047--September--21--1995~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

## General

179.1

179.2 Definitions and abbreviations

179.5 Certificate of Construction

179.6 Repairs and alterations

179.7 Quality Assurance program

179.10 Tank mounting

179.11 Welding certification

179.12 Interior heater systems

179.16 Tank-head puncture-resistance systems

179.18 Thermal protection systems

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179.20

179.22 Service equipment; protection systems

179.300

General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW)

179.301

Individual specification requirements for multi-unit tank car tanks

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part:

1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.

2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.

4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

(Source: Amended at 22 Ill. Reg. ~~5736~~ <sup>5738</sup>, effective ~~MAR 4 1996~~)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Meat and Poultry Inspection Act

- 2) Code Citation: 8 Ill. Adm. Code 125

- 3) Section Numbers: Peremptory Action:  
125.260 Amended  
125.280 Amended  
125.380 Amended

- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: The Meat and Poultry Inspection Act [225 ILCS 650]; the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Products Inspection Act (21 U.S.C.A. 454); 63 FR 147 and 63 FR 7279.

- 5) Statutory Authority: The Meat and Poultry Inspection Act [225 ILCS 650].

- 6) Effective Date: March 5, 1998

- 7) A Complete Description of the Subjects and Issues Involved: In order to maintain an "equal to" status with the federal meat and poultry products inspection programs as required by the federal Meat Inspection Act and the federal Poultry Products Inspection Act and in accordance with Section 16 of the Meat and Poultry Inspection Act, the Department is adopting amendments to the federal meat and poultry products inspection rules.

The Food Safety and Inspection Service (FSIS) is "extending until January 1, 2000 the effective date of the requirement that individual meat and poultry products labeled as "healthy" or any other derivative of the term "health" contain no more than 360 mg sodium and meal-type products contain no more than 480 mg sodium". The specific federal regulations being amended are 9 CFR 317.363 and 381.463, effective February 13, 1998. These amendments appear in the February 13, 1998 Federal Register, page 7279.

FSIS is also amending the federal meat inspection regulations "to permit the use of binders in 'Ham with Natural Juices' products". The specific federal regulation being amended is 9 CFR 319.104, effective March 6, 1998. This amendment appears in the January 5, 1998 Federal Register, page 147.

- 8) Does this rulemaking contain an automatic repeal date? No

- 9) Date Filed in Agency's Principal Office: March 6, 1998

- 10) Is this rule in compliance with Section 5.03 of the Illinois Administrative Procedure Act? Yes

- 11) Are there any proposed amendments pending to this Part? No

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PEREMPTORY AMENDMENTS

- 12) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local governments.

- 13) Information and questions regarding this adopted amendment shall be directed to:

Name: Debbie Wakefield  
Address: Illinois Department of Agriculture  
State Fairgrounds, P.O. Box 19281  
Springfield, Illinois 62794-9281  
Telephone: 217/785-5713  
Facsimile: 217/785-4505

The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENTS  
TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER C: MEAT AND POULTRY INSPECTION ACT  
PART 125  
MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR  
POULTRY INSPECTION

Section  
125.10 Definitions  
125.20 Incorporation by Reference of Federal Rules  
125.30 Application for License; Approval  
125.40 Official Number  
125.50 Inspections; Suspension or Revocation of License  
125.60 Administrative Hearings; Appeals (Repealed)  
125.70 Assignment and Authority of Program Employees  
125.80 Schedule of Operations; Overtime  
125.90 Official Marks of Inspection, Devices and Certificates  
125.100 Records and Reports  
125.110 Exemptions  
125.120 Disposal of Dead Animals and Poultry  
125.130 Reportable Animal and Poultry Diseases  
125.140 Detention; Seizure; Condemnation  
125.141 Sanitation Standard Operating Procedures (SOP's)  
125.142 Hazard Analysis and Critical Control Point (HACCP) Systems  
125.143 Imported Products

SUBPART B: MEAT INSPECTION

Section  
125.150 Livestock and Meat Products Entering Official Establishments  
125.160 Equine and Equine Products  
125.170 Facilities for Inspection  
125.180 Sanitation  
125.190 Ante-Mortem Inspection  
125.200 Post-Mortem Inspection  
125.210 Disposal of Diseased or Otherwise Adulterated Carcasses and Parts  
125.220 Humane Slaughter of Animals  
125.230 Handling and Disposal of Condemned or Other Inedible Products at Official Establishment  
125.240 Rendering or Other Disposal of Carcasses and Parts Passed for Cooking  
125.250 Marking Products and Their Containers  
125.260 Labeling, Marking and Containers  
125.270 Entry into Official Establishment; Reinspection and Preparation of Product  
125.280 Meat Definitions and Standards of Identity or Composition

DEPARTMENT OF AGRICULTURE  
NOTICE OF PEREMPTORY AMENDMENTS  
SUBPART C: POULTRY INSPECTION

125.290 Transportation  
125.295 Imported Products (Repealed)  
125.300 Special Services Relating to Meat and Other Products  
125.305 Exotic Animal Inspection  
  
Section  
125.310 Application of Inspection  
125.320 Facilities for Inspection  
125.330 Sanitation  
125.340 Operating Procedures  
125.350 Ante-Mortem Inspection  
125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts  
125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments  
125.380 Labeling and Containers  
125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements  
125.400 Definitions and Standards of Identity or Composition  
125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by the Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 3318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 15305, effective September 15, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 12, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg.



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10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990; peremptory amendment at 14 Ill. Reg. 11401, effective July 6, 1990; peremptory amendment at 14 Ill. Reg. 13355, effective August 20, 1990; peremptory amendment at 14 Ill. Reg. 16064, effective September 24, 1990; peremptory amendment at 14 Ill. Reg. 21060, effective May 29, 1991; peremptory amendment at 15 Ill. Reg. 620, effective January 2, 1991; peremptory amendment withdrawn at 15 Ill. Reg. 1574, effective January 2, 1991; peremptory amendment at 15 Ill. Reg. 3117, effective September 3, 1991; peremptory amendment at 15 Ill. Reg. 8714, effective May 29, 1991; amended at 15 Ill. Reg. 8801, effective June 7, 1991; peremptory amendment at 15 Ill. Reg. 13976, effective September 20, 1991; peremptory amendment at 16 Ill. Reg. 1899, effective March 2, 1992; amended at 16 Ill. Reg. 8349, effective May 26, 1992; peremptory amendment at 16 Ill. Reg. 11687, effective July 10, 1992; peremptory amendment at 16 Ill. Reg. 11963, effective July 22, 1992; peremptory amendment at 16 Ill. Reg. 12234, effective July 24, 1992; peremptory amendment at 16 Ill. Reg. 16337, effective October 19, 1992; peremptory amendment at 16 Ill. Reg. 17165, effective October 21, 1992; peremptory amendment at 17 Ill. Reg. 2063, effective February 12, 1993; peremptory amendment at 17 Ill. Reg. 15725, effective September 7, 1993; peremptory amendment at 17 Ill. Reg. 16238, effective September 8, 1993; peremptory amendment at 17 Ill. Reg. 18215, effective October 5, 1993; peremptory amendment at 18 Ill. Reg. 304, effective December 23, 1993; peremptory amendment at 18 Ill. Reg. 2164, effective January 24, 1994; amended at 18 Ill. Reg. 4622, effective March 14, 1994; peremptory amendment at 18 Ill. Reg. 6442, effective April 18, 1994; peremptory amendment at 18 Ill. Reg. 8493, effective May 27, 1994; amended at 18 Ill. Reg. 11489, effective July 7, 1994; peremptory amendment at 18 Ill. Reg. 12546, effective July 29, 1994; peremptory amendment at 18 Ill. Reg. 14475, effective September 7, 1994; amended at 18 Ill. Reg. 14924, effective September 26, 1994; peremptory amendment at 18 Ill. Reg. 15452, effective September 27, 1994; peremptory amendment at 19 Ill. Reg. 1342, effective January 27, 1995; peremptory amendment at 19 Ill. Reg. 4765, effective March 13, 1995; peremptory

## DEPARTMENT OF AGRICULTURE

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amendment at 19 Ill. Reg. 7067, effective May 8, 1995; peremptory amendment at 19 Ill. Reg. 14896, effective October 6, 1995; peremptory amendment at 19 Ill. Reg. 15766, effective November 10, 1995; peremptory amendment at 19 Ill. Reg. 16866, effective December 22, 1995; peremptory amendment at 20 Ill. Reg. 5091, effective March 19, 1996; peremptory amendment at 20 Ill. Reg. 10403, effective July 17, 1996; amended at 20 Ill. Reg. 11928, effective September 1, 1996; peremptory amendment at 20 Ill. Reg. 12634, effective September 5, 1996; peremptory amendment at 20 Ill. Reg. 15371, effective November 13, 1996; peremptory amendment at 21 Ill. Reg. 1221, effective January 14, 1997; peremptory amendment at 21 Ill. Reg. 1719, effective January 28, 1997; peremptory amendment at 21 Ill. Reg. 6609, effective May 20, 1997; amended at 21 Ill. Reg. 11494, effective August 1, 1997; peremptory amendment at 21 Ill. Reg. 11788, effective August 8, 1997; peremptory amendment at 21 Ill. Reg. 12686, effective August 28, 1997; peremptory amendment at 21 Ill. Reg. 14575, effective October 22, 1997; peremptory amendment at 22 Ill. Reg. 3602, effective February 2, 1998; peremptory amendment at 22 Ill. Reg. 4765, effective March 5, 1998.

## SUBPART B: MEAT INSPECTION

## Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(f)(2), 317.6, 317.8, 317.10 through 317.13, 317.17 through 317.24, 317.300, 317.302, 317.308, 317.309, 317.312, 317.313, 317.343, 317.344, 317.345, 317.354, 317.356, 317.360, 317.361, 317.362, 317.363, 317.369, 317.380, 317.400 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 72794, effective February 13, 1998).
- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act [225 ILCS 470] and the rules adopted thereto (8 Ill. Adm. Code 600).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of

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the federal government.

- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.
- k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.
- l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 22 Ill. Reg. **5740** effective March 5, 1998)

#### Section 125.280 Meat Definitions and Standards of Identity or Composition

The Department incorporates by reference 9 CFR 319 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 147, effective March 6, 1998). Methods for the destruction of live trichinae in pork shall be as set forth in Section 125.270 (specifically the incorporated language of 9 CFR 318.10(c)).

(Source: Peremptory amendment at 22 Ill. Reg. **5740** effective March 5, 1998)

## SUBPART C: POULTRY INSPECTION

#### Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, 381.129 through 381.132(f), 381.134 through 381.140, 381.144(a) through 381.144(d), 381.400, 381.402, 381.408, 381.409, 381.412, 381.413, 381.443, 381.444, 381.445, 381.454, 381.456, 381.460,

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381.461, 381.462, 381.463, 381.469, 381.480, 381.500 (1997; 62 FR 45016, effective September 24, 1997; 63 FR 7279, effective February 13, 1998).

- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection provided the device or label is in compliance with Section 125.90.
- i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(f). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.
- k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.
- l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 9 CFR 317.24 (1997)).
- n) Labels and devices approved for use pursuant to Section 125.90 and

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this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

- o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.
- p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.
- q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.
- r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 22 Ill. Reg. 5740, effective March 5, 1998)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:  
310.Appendix A, Table G Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)].
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].
- 6) Effective Date: March 3, 1998
- 7) A Complete Description of the Subjects and Issues Involved: The Illinois Federation of Public Employees, Local #4408 (AFT/AFL-CIO) recently negotiated a three-year contract as reflected below: In Section 310.Table G RC-045 (Automotive Mechanics, IFPE), the Department of Corrections' employees who are subject to the alternative pension formula shall receive a 3% increase, effective July 1, 1997.

The employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565. The salary schedule will be upgraded by 3% per month for all titles, effective July 1, 1998 and 1999.

The Automotive Mechanics' Helper title is being abolished.

- 3) Does this rulemaking contain an automatic repeal date? No

- 9) Date Filed in Agency's Principal Office: March 3, 1998

- 10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

- 11) Are there any proposed amendments pending to this part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.230	Amended	21 Ill. Reg. 14648 (November 14, 1997)
310.270	Amended	21 Ill. Reg. 14648 (November 14, 1997)
310.280	Amended	21 Ill. Reg. 14648 (November 14, 1997)

- 12) Statement of Statewide Objectives: This amendment to the Pay Plan pertains



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only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:

Mr. Michael Murphy  
Department of Central Management Services  
Division of Technical Services  
504 William G. Stratton Building  
Springfield, Illinois 62706  
Telephone: (217) 782-5601

The full text of the Peremptory Amendment(s) begins on the next page:

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TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS  
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

SUBPART A: NARRATIVE

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310.30  
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310.70  
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310.130  
310.140  
310.150

Policy and Responsibilities  
Jurisdiction  
Pay Schedules  
Definitions  
Conversion of Base Salary to Pay Period Units  
Conversion of Base Salary to Daily or Hourly Equivalents  
Increases in Pay  
Decreases in Pay  
Other Pay Provisions  
Implementation of Pay Plan Changes for Fiscal Year 1998  
Interpretation and Application of Pay Plan  
Effective Date  
Reinstitution of Within Grade Salary Increases  
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section  
310.205  
310.210  
310.220  
310.230  
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310.270  
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310.310  
310.320  
310.330

Introduction  
Prevailing Rate  
Negotiated Rate  
Part-Time Daily or Hourly Special Services Rate  
Hourly Rate  
Member, Patient and Inmate Rate  
Trainee Rate  
Legislated and Contracted Rate  
Designated Rate  
Out-of-State or Foreign Service Rate  
Educator Schedule for RC-063 and HR-010  
Physician Specialist Rate  
Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections  
Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

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Section	Jurisdiction
310.410	Objectives
310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone (Repealed)
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
310.490	Broad-Band Pay Range Classes
310.495	Definitions
310.500	Conversion of Base Salary to Pay Period Units
310.510	Conversion of Base Salary to Daily or Hourly Equivalents
310.520	Implementation
310.530	Annual Merit Increase Guidechart for Fiscal Year 1998
310.540	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective
310.550	July 1, 1984 (Repealed)

## APPENDIX A

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1997
APPENDIX C	Medical Administrator Rates for Fiscal Year 1997
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

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Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December



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22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. ~~5743~~ <sup>5749</sup>, effective March 3, 1998.

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## Section 310.APPENDIX A Negotiated Rates of Pay

## Section 310.TABLE G RC-045 (Automotive Mechanics, IRPE)

A) Departments of Central Management Services and Transportation - Northeast Region - (Cook)	July 1, 1997		July 1, 1998		July 1, 1999	
	Mo.		Mo.		Mo.	
Auto & Body Repairer	3128		3222		3319	
Automotive Attendant	1813		1867		1923	
I						
Automotive Attendant	1958		2017		2078	
II						
Automotive Mechanic	3128		3222		3319	
Automotive Parts	3004		3094		3187	
Warehouse						
*Storekeeper I	2945		3033		3124	
*Storekeeper II	3006		3096		3189	
*Serving as Automotive Parts Warehouse in Cook County.						
B) Departments of Agriculture, Central Management Services, Natural Resources and Transportation - (All Other Counties Except Cook)	July 1, 1997		July 1, 1998		July 1, 1999	
	Mo.		Mo.		Mo.	
Auto & Body Repairer	3099		3192		3288	
Automotive Attendant	1813		1867		1923	
I						
Automotive Attendant	1958		2017		2078	
II						
Automotive Mechanic	3099		3192		3288	
Automotive Parts	2997		3087		3180	
Warehouse						
Automotive Parts	3063		3155		3250	
Warehouse						
Specialist						
Small Engine	2755		2838		2923	
Mechanic						

C) Department of Corrections - (All Other Counties Except Cook)  
(Alternative Retirement Formula)

July 1, 1997		July 1, 1998		July 1, 1999	
Mo.		Mo.		Mo.	
Auto & Body Repairer	3192		3288		3387
Automotive Attendant	1967		1923		1981

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

## I

Automotive Attendant

2017

2078

2140

## II

Automotive Mechanic

3192

3288

3387

NOTE: Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565, effective July 1, 1997.

A) Departments--of--Central--Management--Services--and--Transportation---Northeast-Region---(Cook)

July-17-1994

Mo-

Auto &amp; Body Repairer

2942

2942

Automotive-Attendant

1705

1705

Automotive-Mechanic

2942

2942

Automotive-Mechanic's-Helper

2722

2722

Automotive-Parts-Warehouse-I

2761

2761

Automotive-Parts-Warehouse-II

2824

2824

\*Storekeeper-I

2769

2769

\*Storekeeper-II

2826

2826

January-17-1995

Mo-

Auto &amp; Body Repairer

2942

2942

Automotive-Attendant

1705

1705

Automotive-Mechanic

2942

2942

Automotive-Mechanic's-Helper

2761

2761

Automotive-Parts-Warehouse-I

2824

2824

Automotive-Parts-Warehouse-II

2769

2769

\*Storekeeper-I

2826

2826

\*Storekeeper-II

April-19-1995

Mo-

Auto-6-Body Repairer

2942

3030

3130

Automotive Attendant

1705

1756

1813

Automotive Mechanic

2942

3030

3120

Automotive Mechanic's

2722

2804

2895

Helper

2824

2909

3004

house

2769

2852

2945

\*Storekeeper-I

2826

2911

3006

\*-Serving-as-Automotive-Parts-Warehouses-in-Cook-County-

B) Departments-of-Agriculture-Central-Management-Services--Conservation-Corrections-and-Transportation---All-Other-Counties-Except-Cook

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

## I

Auto-6-Body Repairer

2913

2913

Automotive-Attendant

1705

1705

Automotive-Mechanic

2913

2913

Automotive-Mechanic's-Helper

2590

2590

Automotive-Parts-Warehouse-I

2818

2818

Automotive-Parts-Warehouse-II

2881

2881

Automotive-Parts-Warehouse-III

2490

2490

Small-Engine-Mechanic

2913

2913

January-17-1995

Mo-

Auto &amp; Body Repairer

2913

2913

Automotive-Attendant

1705

1705

Automotive-Mechanic

2913

2913

Automotive-Mechanic's-Helper

2590

2590

Automotive-Parts-Warehouse

2818

2818

II

2881

2881

Automotive-Parts-Warehouse

2490

2490

Small Engine Mechanic

2913

2913

April-19-1995

Mo-

Auto &amp; Body Repairer

2913

2913

Automotive Attendant

1705

1705

Automotive Mechanic

2913

2913

Automotive Mechanic's

2590

2590

Helper

2818

2818

Automotive Parts Ware-

2967

2967

house

2660

2660

Automotive Parts Ware-

2660

2660

house-Specialist

2660

2660

Small Engine Mechanic

2660

2660

(Source: Peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

1) Heading of the Part: AIDS Confidentiality and Testing Code

2) Code Citation: 77 Ill. Adm. Code 697

3) Register Citation to Notice of Proposed Rules: February 27, 1998; 22 Ill. Reg. 4277

4) Dates, Times and Locations of Public Hearings:

**DATE CHANGED FROM PREVIOUSLY PUBLISHED NOTICE**

Due to several requests, the Department has rescheduled the public hearing to be held in Springfield. The Department was informed that the originally scheduled hearing date conflicted with other meetings that will be attended by persons who have an interest in attending the Department's public hearing.

May 4, 1998

11:00 a.m.

Illinois State Museum Auditorium

Spring and Edwards

Springfield, Illinois 62701

April 27, 1998

10:30 a.m.

State of Illinois Building

Room C-500, 5th Floor

160 North LaSalle

Chicago, Illinois

5) Other Pertinent Information:

The hearings will be held for the sole purpose of gathering public comment on the proposed amendments. Persons interested in presenting testimony at this hearing are advised that the Department will adhere to the following procedures in the conduct of the hearings:

D. Each person presenting oral testimony shall provide to the hearing officer a written copy of such testimony at the time the oral testimony is presented.

E. No person will be recognized to speak for a second time until all persons wishing to testify have done so. The hearing officer may impose a time limit for testimony if necessary to allow each person who wishes to speak time to do so.

F. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

officer may impose such other rules of procedure, including the order of the call of witnesses as he/she deems necessary.

6) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to: Gail M. DeVito, Illinois Department of Public Health, 535 West Jefferson Street, 5th Floor, Springfield, Illinois 62761, (217) 782-2043.



## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Control of Sexually Transmissible Diseases Code
- 2) Code Citation: 77 Ill. Adm. Code 693
- 3) Register Citation to Notice of Proposed Rules: February 27, 1998
- 4) Dates, Times and Locations of Public Hearings:

**DATE CHANGED FROM PREVIOUSLY PUBLISHED NOTICE**

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## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF PUBLIC HEARINGS ON PROPOSED AMENDMENTS

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## ILLINOIS HUMAN RESOURCES INVESTMENT COUNCIL

## NOTICE OF PUBLIC INFORMATION

## Workforce Development System Coordination Task Force Hearings

The Work Force Development System Coordination Task Force of the State of Illinois Human Resources Investment Council will conduct a series of public hearings to gather recommendations on issues of governance, funding, and administration of workforce development programs at the local level. The hearings will be held as follows:

March 19, 1998

9:00 am - Noon

Hyatt Regency O'Hare

Air France Room

9300 W. Bryn Mawr Avenue

River Road at Kennedy Expressway

Rosemont, Illinois 60018

March 19, 1998

2:00 pm - 5:00 pm

James R. Thompson Center, Room 16-503

100 W. Randolph Street

Chicago, Illinois 60601

March 20, 1998

10:00 am - 1:00 pm

Gateway Center, 2nd Floor

200 NE Constitution

Hamilton Blvd. at the Riverfront

Peoria, Illinois 61602

March 21, 1998

9:00 am - Noon

Walgreens Distribution Center

5100 Lake Terrace NE

Mt. Vernon, Illinois 62864

Interested individuals may attend the location of their choice to participate. Submission of written testimony is strongly encouraged prior to the hearings. Written testimony may be submitted until 5:00 pm, March 23, 1998. Written testimony or questions should be directed to:

Ms. Sarah Hawker

Assistant to the Governor for

Workforce Development

107 Stratton Building

Springfield, IL 62701

FAX: 217/782-6620

Requests for written materials pertinent to the issues to be discussed should

## ILLINOIS HUMAN RESOURCES INVESTMENT COUNCIL

## NOTICE OF PUBLIC INFORMATION

be directed to Lynn Tolle Burger at 217/785-0139.

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
ROOM D-1  
SPRINGFIELD, ILLINOIS  
9:00 A.M.  
MARCH 24, 1998

**NOTICES:** Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706*

**RULEMAKINGS SCHEDULED FOR JCAR REVIEW**

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

**PROPOSED RULEMAKINGS**Banks and Real Estate

1. Repeal of Public Hearings on Acquisitions of Illinois Banks or Illinois Bank Holding Companies by Midwest Bank Holding Companies (38 Ill Adm Code 390)  
-First Notice Published: 22 Ill Reg 115 - 1/2/98  
-Expiration of Second Notice Period: 4/2/98
2. Savings and Loan Act of 1985 (38 Ill Adm Code 1000)  
-First Notice Published: 21 Ill Reg 16243 - 12/19/97  
-Expiration of Second Notice: 3/26/98
3. Savings Bank Act (38 Ill Adm Code 1075)  
-First Notice Published: 21 Ill Reg 16255 - 12/19/97  
-Expiration of Second Notice: 3/26/98

Central Management Services

4. Marking, Inventory, Transfer and Disposal of State-Owned Personal Property (44 Ill Adm Code 5010)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-First Notice Published: 21 Ill Reg 14699 - 11/21/97  
-Expiration of Second Notice: 4/11/98

Children and Family Services

5. Services Delivered by the Department (89 Ill Adm Code 302)  
-First Notice Published: 21 Ill Reg 15051 - 12/1/97  
-Expiration of Second Notice: 4/22/98

Education

6. Driver Education (23 Ill Adm Code 252)  
-First Notice Published: 21 Ill Reg 15296 - 12/5/97  
-Expiration of Second Notice: 4/12/98

7. Private Business and Vocational Schools (23 Ill Adm Code 451)  
-First Notice Published: 21 Ill Reg 15303 - 12/5/97  
-Expiration of Second Notice: 4/12/98

Human Services

8. Standards and Licensure Requirements for Community-Integrated Living Arrangements (59 Ill Adm Code 115)  
-First Notice Published: 21 Ill Reg 6695 - 6/6/97  
-Expiration of Second Notice: 4/12/98

9. Minimum Standards for Certification of Developmental Training Programs (59 Ill Adm Code 119)  
-First Notice Published: 21 Ill Reg 6680 - 6/6/97  
-Expiration of Second Notice: 4/12/98

10. Early Intervention Program (59 Ill Adm Code 121)  
-First Notice Published: 21 Ill Reg 6673 - 6/6/97  
-Expiration of Second Notice: 4/12/98

11. Food Stamps (89 Ill Adm Code 121)  
-First Notice Published: 22 Ill Reg 1647 - 1/16/98  
-Expiration of Second Notice: 4/17/98

Insurance

12. Investment Fee Disclosure Requirements for Pension Funds (50 Ill Adm Code 4430)  
-First Notice Published: 21 Ill Reg 16946 - 12/26/97



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-Expiration of Second Notice: 4/16/98

## 13. Health Maintenance Organization (50 Ill Adm Code 5421)

-First Notice Published: 21 Ill Reg 15086 - 12/1/97  
-Expiration of Second Notice: 4/11/98

Natural Resources

## 14. Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830)

-First Notice Published: 21 Ill Reg 16948 - 12/26/97  
-Expiration of Second Notice: 4/18/98

Nuclear Safety

## 15. Fees for Radioactive Material Licenses (32 Ill Adm Code 331)

-First Notice Published: 22 Ill Reg 1679 - 1/16/98  
-Expiration of Second Notice: 4/17/98

Pollution Control Board

## 16. RCRA Permit Program (35 Ill Adm Code 703)

-First Notice Published: 21 Ill Reg 14749 - 11/21/97  
-Expiration of Second Notice: 3/26/98

## 17. Hazardous Waste Management System: General (35 Ill Adm Code 720)

-First Notice Published: 21 Ill Reg 14755 - 11/21/97  
-Expiration of Second Notice: 3/26/98

## 18. Identification and Listing of Hazardous Waste (35 Ill Adm Code 721)

-First Notice Published: 21 Ill Reg 14725 - 11/21/97  
-Expiration of Second Notice: 3/26/98

## 19. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)

-First Notice Published: 21 Ill Reg 14779 - 11/21/98  
-Expiration of Second Notice: 3/26/98

## 20. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 725)

-First Notice Published: 21 Ill Reg 14730 - 11/21/97  
-Expiration of Second Notice: 3/26/98

## 21. Land Disposal Restriction (35 Ill Adm Code 728)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-First Notice Published: 21 Ill Reg 14742 - 11/21/97  
-Expiration of Second Notice: 3/26/98

## 22. Standards for Universal Waste Management (35 Ill Adm Code 733)

-First Notice Published: 21 Ill Reg 14791 - 11/21/97  
-Expiration of Second Notice: 3/26/98

Professional Regulation

## 23. Medical Practice Act of 1987 (68 Ill Adm Code 1285)

-First Notice Published: 21 Ill Reg 15088 - 12/1/97  
-Expiration of Second Notice:

Public Aid

## 24. General Administrative Provisions (89 Ill Adm Code 101)

-First Notice Published: 22 Ill Reg 120 - 1/2/98  
-Expiration of Second Notice: 4/16/98

## 25. Medical Assistance Programs (89 Ill Adm Code 120)

-First Notice Published: 22 Ill Reg 132 - 1/2/98  
-Expiration of Second Notice: 4/16/98

## 26. Medical Payment (89 Ill Adm Code 140)

-First Notice Published: 22 Ill Reg 152 - 1/2/98  
-Expiration of Second Notice: 4/16/98

Public Health

## 27. Emergency Medical Services and Trauma Center Code (77 Ill Adm Code 515)

-First Notice Published: 21 Ill Reg 14817 - 11/21/97  
-Expiration of Second Notice: 4/12/98

## 28. Control of Tuberculosis Code (77 Ill Adm Code 696)

-First Notice Published: 21 Ill Reg 6716 - 6/6/97  
-Expiration of Second Notice: 4/12/98

Racing Board

## 29. Pari-Mutuels (11 Ill Adm Code 300)

-First Notice Published: 21 Ill Reg 17008 - 12/26/97  
-Expiration of Second Notice: 4/12/98

## 30. Programs (11 Ill Adm Code 415)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-First Notice Published: 21 Ill Reg 17011 - 12/26/97  
-Expiration of Second Notice: 4/12/98

## 31. Racing Rules (11 Ill Adm Code 1318)

-First Notice Published: 21 Ill Reg 1109 - 1/9/98  
-Expiration of Second Notice: 4/12/98

Savings Institutions

32. Board of Savings Institutions (38 Ill Adm Code 500)  
-First Notice Published: 21 Ill Reg 16941 - 12/26/97  
-Expiration of Second Notice: 3/26/98

Secretary of State

33. Regulations Under the Illinois Loan Brokers Act of 1995 (14 Ill Adm Code 145)  
-First Notice Published: 21 Ill Reg 14071 - 10/24/97  
-Expiration of Second Notice: 4/2/98

Teachers' Retirement System

34. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)  
-First Notice Published: 21 Ill Reg 17015 - 12/26/97  
-Expiration of Second Notice Period: 3/25/98

Transportation

35. Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill Adm Code 522)  
-First Notice Published: 21 Ill Reg 16316 - 12/19/97  
-Expiration of Second Notice Period: 4/9/98

EMERGENCY AND PEREMPTORY RULEMAKINGSAgriculture

36. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 22 Ill Reg 3602 - 2/13/98

Banks and Real Estate

37. Real Estate Appraiser Certification (68 Ill Adm Code 1455) (Emergency)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

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-Notice Published: 22 Ill Reg 4132 - 2/20/98

Central Management Services

38. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
-Notice Published: 22 Ill Reg 4326 - 2/27/98

39. Pay Plan (80 Ill Adm Code 310) (Peremptory)  
-Notice Published: 22 Ill Reg 5108 - 3/13/98

Education

40. Certification (23 Ill Adm Code 25) (Emergency)  
-Notice Published: 22 Ill Reg 5097 - 3/13/98

41. Charter Schools (23 Ill Adm Code 650) (Emergency)  
-Notice Published: 22 Ill Reg 5104 - 3/13/98

Human Services

42. WTC Vendor Management Code (77 Ill Adm Code 672) (Emergency)  
-Notice Published: 22 Ill Reg 3127 - 2/6/98

Professional Regulation

43. Professional Geologist Licensing Act (68 Ill Adm Code 1252) (Emergency)  
-Notice Published: 22 Ill Reg 3597 - 2/13/98

Revenue

44. Renewable Energy Sources and Coal Technology Development Assistance Charge (86 Ill Adm Code 517) (Emergency)  
-Notice Published: 22 Ill Reg 3141 - 2/6/98

EXEMPT RULEMAKINGPollution Control Board

45. Primary Drinking Water Standards (35 Ill Adm Code 611)  
-Proposed Date: 12/26/97  
-Adopted Date: 3/13/98

AGENCY RESPONSES

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

STRATTON OFFICE BUILDING  
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9:00 A.M.  
MARCH 24, 1998

Education

46. School Construction Program (23 Ill Adm Code 151)

Public Aid

47. Medical Payment (89 Ill Adm Code 140)

Public Health

48. Lead Poisoning Prevention Code (77 Ill Adm Code 845)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 3, 1998 through March 9, 1998 and have been scheduled for review by the Committee at its March 24, 1998 or April 21, 1998 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
4/16/98	Department of Insurance, Investment Fee Disclosure Requirements for Pension Funds (50 Ill Adm Code 4430)	12/26/97 21 Ill Reg 16946	3/24/98
4/16/98	Department of Public Aid, General Administrative Provisions (89 Ill Adm Code 101)	1/2/98 22 Ill Reg 120	3/24/98
4/16/98	Department of Public Aid, Medical Assistance Programs (89 Ill Adm Code 120)	1/2/98 22 Ill Reg 132	3/24/98
4/16/98	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	1/2/98 22 Ill Reg 152	3/24/98
4/17/98	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	1/16/98 22 Ill Reg 1647	3/24/98
4/17/98	Department of Nuclear Safety, Fees for Radioactive Material Licenses (32 Ill Adm Code 331)	1/16/98 22 Ill Reg 1679	3/24/98
4/18/98	Department of Natural Resources, Commercial Fishing and Musseling in Certain Waters of the State (17 Ill Adm Code 830)	12/26/97 21 Ill Reg 16948	3/24/98
4/22/98	Department of Children and Family Services, Services Delivered by the Department (89 Ill Adm Code 302)	12/1/97 21 Ill Reg 15051	3/24/98



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

4/22/98 Department of Nuclear Safety, Repeal of Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 183) 1/2/98 22 Ill Reg 23 4/21/98

4/22/98 Department of Nuclear Safety, Repeal of Joint Rules of the Illinois Environmental Protection Agency, the Illinois Department of Public Health and the Illinois Department of Nuclear Safety: Certification and Operation of Environmental Laboratories (35 Ill Adm Code 195) 1/9/98 22 Ill Reg 1088 4/21/98

4/22/98 Department of Nuclear Safety, Repeal of Volunteered Location(s) Procedures for Selecting a Site for the Development of a Low-Level Radioactive Waste Disposal Facility (32 Ill Adm Code 610) 1/16/98 22 Ill Reg 1712 4/21/98

4/22/98 Department of the Lottery, Lottery (General) (11 Ill Adm Code 1770) 1/16/98 22 Ill Reg 1650 4/21/98

SECRETARY OF STATE

CONVERSION TABLE FOR THE ILLINOIS ADMINISTRATIVE CODE

A preliminary conversion chart of a new codification scheme for the Illinois Administrative Code appears on the following pages. The new scheme is designed to reflect the corresponding Chapter number in the Illinois Compiled Statute (ILCS). By adopting the same Chapter numbering scheme, the Code can be used more easily by the public. In order to provide some continuity between the old and the new codification scheme, in most instances the part number of a rule remains the same. The Administrative Code Division will work with state agencies and the staff of the Joint Committee on Administrative Rules to determine a the most accurate ILAC citations.

The preliminary conversion chart is displayed in four columns. The first column is the existing Ill. Adm. Code cite (Title-Part); the second column is the proposed ILAC site (Chapter-Act: Part); the third column is the name of the rule; and the fourth column is the agency.

ILL. ADM.	ILAC:	RULE NAME:	AGENCY
1-100	5-100:1	RULEMAKING IN ILLINOIS	SOS
1-210	5-100:10	GENERAL POLICIES	JCAR
1-220	5-100:20	REVIEW OF PROPOSED RULEMAKING	JCAR
1-230	5-100:30	REVIEW OF EMERGENCY RULEMAKING	JCAR
1-240	5-100:40	REVIEW OF PEREMPTORY RULEMAKING	JCAR
1-245	5-100:45	EXPEDITED CORRECTIONS	JCAR
1-250	5-100:50	FIVE YEAR EVALUATION OF ALL EXISTING RULES	JCAR
1-255	5-100:55	DISTRIBUTION OF DATABASE INFORMATION	JCAR
1-260	5-100:60	COMPLAINT REVIEW	JCAR
1-300	5-100:70	SMALL BUSINESS IMPACT ANALYSIS PROCEDURES	DCCA
2-75	5-100:75	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	JCAR
2-76	5-100:76	ACCESS TO INFORMATION	JCAR
4-100	5-100:100	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	SOS
2-150	5-100:150	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	LIS
4-175	5-100:175	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DNS
4-200	5-100:200	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	QSM
4-275	5-100:275	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DPR
74-300	5-100:300	JOINT RULES OF THE TREASURER AND COMPTROLLER	COMP
74-310	5-100:310	RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS	COMP
2-351	5-100:351	FREEDOM OF INFORMATION	OSAAP
23-475	5-100:470	CONTESTED CASES AND OTHER FORMAL HEARINGS	ISBE
4-475	5-100:475	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	AGRI
2-550	5-100:550	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	SOS
2-552	5-100:552	DEPARTMENTAL DUTIES	SOS
4-550	5-100:575	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	AGRI
2-576	5-100:576	COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT	AGRI
2-601	5-100:601	FREEDOM OF INFORMATION	AUG
47-610	5-100:610	ILLINOIS AMERICORPS PROGRAM	LT GEN
2-625	5-100:625	ACCESS TO INFORMATION	COMP
2-551	5-100:651	ACCESS TO INFORMATION	TREA
74-700	5-100:700	JOINT RULES OF THE TREASURER AND THE COMPTROLLER	TREA
4-725	5-100:725	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	CDB
2-775	5-100:775	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DCFS
2-851	5-100:851	FREEDOM OF INFORMATION	DOC
2-876	5-100:876	IMPLEMENTATION OF THE ILLINOIS FREEDOM OF INFORMATION ACT	DENR
4-900	5-100:900	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IELRB
4-925	5-100:925	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	EPA
2-951	5-100:951	ACCESS TO PUBLIC RECORDS	INSURE
4-1025	5-100:1025	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DES
2-1026	5-100:1026	FREEDOM OF INFORMATION	DHS
2-1027	5-100:1027	ADMINISTRATIVE LAW JUDGES	DHS
2-1051	5-100:1051	FREEDOM OF INFORMATION RULES	DNR

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4-1075	5-100:1075	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	OPC	26-125	10-5:125	PRACTICE AND PROCEDURE	SBE
2-1076	5-100:1076	FREEDOM OF INFORMATION ACT PROCEDURES	DNS	26-201	10-5:201	ESTABLISHED POLITICAL PARTY/INDEPENDENT NOMINATING PETITIONS	SBE
2-1126	5-100:1126	FREEDOM OF INFORMATION CODE	DPH	26-202	10-5:202	NEW POLITICAL PARTY NOMINATING PETITIONS	SBE
2-1651	5-100:1151	FREEDOM OF INFORMATION	SBE	26-203	10-5:203	INDEPENDENT CANDIDATE NOMINATIONS IN CERTAIN	SBE
2-1175	5-100:1175	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DHS	26-204	10-5:204	APPROVAL OF VOTING SYSTEMS	SBE
2-1177	5-100:1177	IMPARTIAL HEARING OFFICER STANDARDS	DHS	26-205	10-5:205	VOTING FOR FEDERAL OFFICES-VOTING RIGHTS ACT OF 1970	SBE
2-1201	5-100:1201	FREEDOM OF INFORMATION	DHR	26-206	10-5:206	POLLWATCHERS	SBE
2-1276	5-100:1276	ACCESS TO INFORMATION	DHS	26-207	10-5:207	MICELLANEOUS	SBE
2-1326	5-100:1326	ACCESS TO INFORMATION	DPR	26-208	10-5:208	CONSTITUTIONAL AMENDMENTS/STATEWIDE QUESTIONS OF PUBLIC	SBE
2-1375	5-100:1375	RULEMAKING PROCEDURES AND DEPARTMENT ORGANIZATION	MIL. AFF.	26-209	10-5:209	VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED	SBE
2-1376	5-100:1376	FREEDOM OF INFORMATION PROCEDURES	MIL. AFF.	26-216	10-5:216	REGISTRATION OF VOTERS	SBE
2-1600	5-100:1600	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	BOE	4-125	15-205:125	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	AGRI
2-1601	5-100:1601	FREEDOM OF INFORMATION	BOE	2-575	15-205:575	RULEMAKING AND ORGANIZATION	AGRI
2-1651	5-100:1651	ACCESS TO INFORMATION	CDB	14-176	15-305:176	NOTARY PUBLIC RECORDS	SOS
2-1676	5-100:1676	ACCESS TO INFORMATION	CSC	68-2005	15-305:2005	THE USE OF CAPITOL COMPLEX FACILITIES	SOS
2-1702	5-100:1702	QUALIFICATIONS OF HEARING EXAMINERS	ICC	71-2005	15-305:2005	THE USE OF THE CAPITOL COMPLEX FACILITIES	SOS
2-1901	5-100:1901	ACCESS TO INFORMATION	IHFA	80-50	15-310:50	MERIT COMMISSION	SOS
2-1951	5-100:1951	ACCESS TO INFORMATION	ISHL	80-410	15-310:410	POSITION CLASSIFICATION PLAN	SOS
80-2000	5-100:2000	PROCEDURES OF THE BOARD OF ETHICS	BOE	80-420	15-310:420	DEPARTMENT OF PERSONNEL	SOS
2-2026	5-100:2026	FREEDOM OF INFORMATION ACT	IND COM	23-3010	15-320:3010	ILLINOIS STATE LIBRARY, INFORMATION SERVICES DIVISION	SOS
2-2300	5-100:2300	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	CSLA	23-3020	15-320:3020	ILLINOIS STATE LIBRARY, ACQUISITIONS DIVISION, ILLINOIS	SOS
2-2500	5-100:2500	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	ISLRB/ILLR	23-3040	15-320:3040	LITERACY GRANT PROGRAM	SOS
2-2905	5-100:2905	ACCESS TO PUBLIC RECORDS	IPCD	23-3070	15-320:3070	THE ILLINOIS STATE LIBRARY TRAINING PROGRAM GRANTS	SOS
2-5000	5-100:5000	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	SBE	2-555	15-370:555	MERIT COMMISSION PUBLIC INFORMATION, RULEMAKING	SOS
2-5001	5-100:5001	ACCESS TO INFORMATION OF THE STATE BOARD OF EDUCATION	SBE	74-200	15-405:200	TRANSITION REGULATIONS OF THE COMPTROLLER	COMP
2-5151	5-100:5151	ACCESS TO PUBLIC RECORDS OF THE UNIVERSITY OF ILLINOIS	UIB	74-230	15-405:230	THE UNIVERSITY IMPREST SYSTEM	COMP
2-5176	5-100:5176	PUBLIC ACCESS TO INFORMATION	ICCB	74-235	15-405:235	WARRANT WSCHTAT FUND LEVEL	COMP
8-1	5-140:1	ADMINISTRATIVE RULES	AGRI	75-240	15-405:240	PAYROLL	COMP
2-200	5-140:200	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	LRB	74-245	15-405:245	ACCOUNTING PRINCIPALS AND PROCEDURES	COMP
2-526	5-140:526	FREEDOM OF INFORMATION	LT GOV	74-250	15-405:250	UNIFORM SYSTEM OF CODE NUMBERS	COMP
2-551	5-140:551	FREEDOM OF INFORMATION	SOS	74-255	15-405:255	CONTRACT FILING REQUIREMENTS	COMP
2-701	5-140:701	FREEDOM OF INFORMATION ACT	AGRI	74-265	15-405:265	WARRANTS-VOUCHERS PRE-AUDIT	COMP
2-801	5-140:801	ACCESS TO THE INFORMATION OF THE DEPARTMENT OF COMMERCE	DCCA	74-270	15-405:270	CERTIFICATION OF VOUCHERS AUTHORIZING PAYMENT	COMP
2-825	5-140:825	RULEMAKING AND ORGANIZATION	DNR	74-275	15-405:275	TRANSFERS BETWEEN ACCOUNTS WITHIN A FUND HELD BY THE STATE	COMP
2-826	5-140:826	FREEDOM OF INFORMATION	DCFS	74-280	15-405:280	PUBLIC RADIO AND TELEVISION STATION GRANTS	COMP
2-901	5-140:901	FREEDOM OF INFORMATION	DPI	74-285	15-405:285	CLAIM ELIGIBLE TO BE OFFSET	COMP
2-1270	5-140:1270	FREEDOM OF INFORMATION	DVA	74-290	15-405:290	CONTRACT CONTENT	COMP
2-1701	5-140:1701	ACCESS TO INFORMATION	ICC	74-320	15-405:320	STATE COLLECTIONS	COMP
2-1826	5-140:1826	ACCESS TO INFORMATION OF THE ILLINOIS ENVIRONMENTAL	EPA	38-650	15-405:650	DIRECT DEPOSIT	COMP
2-1827	5-140:1827	PROCEDURES FOR DETERMINING AND PROTECTING CONFIDENTIAL	EPA	74-740	15-405:740	ILLINOIS PUBLIC TREASURER'S INVESTMENT POOL FOR PUBLIC	TREA
2-1850	5-140:1850	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	GPCRB	4-775	15-405:775	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	COMP
2-2301	5-140:2301	FREEDOM OF INFORMATION ACT	CSLA	80-2510	15-405:2510	TAX REPORTING AND WITHHOLDING CERTIFICATES	COMP
2-2525	5-140:2525	PUBLIC INFORMATION AND ORGANIZATION	MCC	80-100	15-410:100	MERIT COMMISSION RULES	COMP
2-2650	5-140:2650	ORGANIZATION, RULEMAKING AND PUBLIC INFORMATION	IAAA	80-500	15-410:500	PERSONNEL RULES	COMP
2-2925	5-140:2925	ORGANIZATION, PUBLIC INFORMATION AND RULEMAKING	IDFA	4-350	15-505:350	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	TREA
2-5155	5-140:5155	DIVISION OF SPECIALIZED CARE FOR CHILDREN-PUBLIC INFORMATION,	UIB	74-710	15-505:710	DISBURSEMENT OF FUNDS-SPECIAL HANDLING	TREA
89-436	5-160:0436	RECORDS MANAGEMENT	DCFS	80-610	15-510:610	CLASSIFICATION OF FUNDS	TREA
80-1200	5-315:1200	GENERAL PROCEDURES	ISLRB/ILLR	80-620	15-510:620	MERIT AND FITNESS	TREA
80-1210	5-315:1210	UNFAIR LABOR PRACTICE PROCEEDINGS	ISLRB/ILLR	80-630	15-510:630	CONDITIONS OF EMPLOYMENT	TREA
80-1220	5-315:1220	COLLECTIVE BARGAINING AND IMPASSE RESOLUTION	ISLRB/ILLR	80-640	15-510:640	GENERAL PROVISIONS	TREA
80-1230	5-315:1230	IMPASSE RESOLUTION	ISLRB/ILLR	74-720	15-520:720	INVESTMENT PROGRAMS	TREA
80-2500	5-340:2500	VOLUNTARY DEDUCTIONS FROM WAGES, SALARY OR ANNUITIES	CMS	02-750	20-5:750	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	CMS
80-2650	5-340:2650	SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS	CMS	02-751	20-5:751	ACCESS TO INFORMATION	SOC
80-2675	5-340:2675	UNIVERSITY RULES ON CHARITABLE FUND DRIVE	UIB	80-2100	20-5:2100	STATE OF ILLINOIS PREMIUM PAY PLAN	CMS
80-2160	5-375:2160	LOCAL GOVERNMENT HEALTH PLAN	CMS	80-2110	20-5:2110	STATE OF ILLINOIS DEPENDENT CARE ASSISTANCE PLAN	CMS
2-2100	5-705:2100	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	ILGLEOTB	80-2120	20-5:2120	STATE OF ILLINOIS MEDICAL CARE ASSISTANCE PLAN	CMS
26-100	10-5:100	THE CAMPAIGN FINANCING ACT	SBE	4-300	20-16:300	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DHS

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4-450	20-16:450	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	CMS
2-1225	20-16:1225	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IDOT
2-1226	20-16:1226	REQUEST FOR PUBLIC RECORDS	IDOT
89-210	20-105:210	INTRODUCTION	AGING
89-220	20-105:220	GENERAL PROGRAMMATIC REQUIREMENTS	AGING
89-230	20-105:230	OLDER AMERICANS ACT PROGRAM	AGING
89-240	20-105:240	COMMUNITY CARE PROGRAM	AGING
2-725	20-105:725	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	AGING
2-726	20-105:726	ACCESS TO THE INFORMATION OF THE DEPARTMENT OF AGING	AGING
23-3200	20-105:3200	PUBLIC MUSEUM FINANCIAL SUPPORT	DENR
8-3	20-205:3	CIVIL ADMINISTRATIVE CODE	AGRI
77-2057	20-301:2057	LICENSE OF ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT;	DHS
77-2090	20-301:2090	SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT	DHS
89-335	20-303:335	RELATIVE HOME PLACEMENT	DCFS
4-500	20-305:500	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DHS
77-2000	20-305:2000	RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS	DHS
77-2030	20-305:2030	AWARD AND MONITORING OF FUNDS	DHS
77-2055	20-305:2055	DRUG ABUSE PROGRAMS	DHS
89-590	20-405:590	SERVICES	DHS
89-617	20-405:617	CLOSURE	DHS
80-2150	20-405:2150	SERVICE CONNECTED DAYS BENEFIT ADMINISTRATION	CMS
80-3100	20-405:3100	AUTO LIABILITY	CMS
80-301	20-415:301	CLASSIFICATION AND PAY	CMS
80-302	20-415:302	MERIT AND FITNESS	CMS
80-303	20-415:303	CONDITIONS OF EMPLOYMENT	CMS
80-304	20-415:304	GENERAL PROVISIONS	CMS
80-305	20-415:305	EXTENSIONS OF JURISDICTION	CMS
80-310	20-415:310	PAY PLAN	CMS
80-320	20-415:320	POSITION CLASSIFICATION PLAN	CMS
80-331	20-415:331	BACK WAGE CLAIM ADMINISTRATION	CMS
2-1675	20-415:1675	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	CSC
89-301	20-505:301	PLACEMENT AND VISITATION SERVICES	DCFS
89-303	20-505:303	ACCESS TO AND ELIGIBILITY FOR DAY CARE SERVICES	DCFS
89-306	20-505:306	SERVICE TERMINATION	DCFS
89-307	20-505:307	INDIAN CHILD WELFARE SERVICES	DCFS
89-308	20-505:308	NON-DISCRIMINATION REQUIREMENTS OF DEPARTMENT SERVICE	DCFS
89-310	20-505:310	DELIVERY OF SERVICES FUNDED BY DCFS	DHS
89-311	20-505:311	GOVERNOR'S YOUTH SERVICES INITIATIVE	DCFS
89-314	20-505:314	EDUCATIONAL SERVICES	DCFS
89-325	20-505:325	ADMINISTRATION OF PSYCHOTROPIC MEDICATIONS TO CHILDREN	DCFS
89-329	20-505:329	RETURN OF RUNAWAY CHILDREN	DCFS
89-330	20-505:330	CHILD CUSTODY INVESTIGATIONS AND SUPERVISION	DCFS
89-337	20-505:337	SERVICE APPEAL PROCESS	DCFS
89-338	20-505:338	APPEAL OF FOSTER FAMILY HOME LICENSE DENIALS BY RELATIVE	DCFS
83-351	20-505:351	FEDERAL BENEFITS AND OTHER PUBLIC FUNDS	DCFS
89-352	20-505:352	FINANCIAL RESPONSIBILITY OF PARENTS OR GUARDIANS OF ESTATES	DCFS
89-353	20-505:353	CHILDREN'S ACCOUNTS	DCFS
89-355	20-505:355	GIFTS AND DONATIONS	DCFS
89-356	20-505:356	RATE SETTING	DCFS
89-357	20-505:357	PURCHASE OF SERVICE	DCFS
89-358	20-505:358	BACKGROUND INQUIRY FOR PURCHASE OF SERVICE PROVIDERS	DCFS
89-359	20-505:359	AUTORIZED CHILD CARE PAYMENTS	DCFS
89-360	20-505:360	GRANTS-IN-AID	DCFS
89-361	20-505:361	REIMBURSEMENT TO COUNTIES	DCFS
89-362	20-505:362	THE BAIL FUND	DCFS
89-379	20-505:379	DUAL JURISDICTION	DCFS
89-428	20-505:428	DEPARTMENT ADVISORY COUNCIL, ILLINOIS JUVENILE JUSTICE	DCFS

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89-429	20-505:429	EQUAL EMPLOYMENT OPPORTUNITY THROUGH THE DEPARTMENT	DCFS
89-431	20-505:431	CONFIDENTIALITY OF PERSONAL INFORMATION OF PERSONS	DCFS
89-432	20-505:432	RESEARCH INVOLVING CHILDREN AND FAMILIES	DCFS
89-433	20-505:433	USE OF DEPARTMENT FACILITIES AND GROUNDS	DCFS
89-434	20-505:434	AUDITS, REVIEWS, AND INVESTIGATIONS	DCFS
89-435	20-505:435	ADMINISTRATIVE APPEALS AND HEARINGS	DCFS
89-437	20-505:437	DEPARTMENT OF CHILDREN AND FAMILY SERVICES EMPLOYEE	DCFS
47-1	20-605:1	STANDARD YOUTH INITIATIVES PROGRAM	DCCA
47-2	20-605:2	SPECIAL YOUTH ADMINISTRATIVE REQUIREMENTS	DCCA
47-10	20-605:10	REVIEW AND APPEALS PROCEDURES	DCCA
47-100	20-605:100	LOW INCOME HOME ENERGY ASSISTANCE PROGRAM	DCCA
47-110	20-605:110	STATE ADMINISTRATION OF THE FEDERAL COMMUNITY DEVELOPMENT	DCCA
47-120	20-605:120	STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES	DCCA
47-125	20-605:125	EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM	DCCA
14-500	20-605:500	METROPOLITAN CIVIC CENTER SUPPORT PROGRAM	DCCA
14-520	20-605:520	ENTERPRISE ZONE PROGRAM	DCCA
14-525	20-605:525	ECONOMIC DEVELOPMENT AREA TAX INCREMENT ALLOCATION	DCCA
14-526	20-605:526	COUNTY ECONOMIC DEVELOPMENT PROJECT AREA PROPERTY TAX	DCCA
14-540	20-605:540	TECHNOLOGY COMMERCIALIZATION GRANT-IN-AID PROGRAMS	DCCA
14-550	20-605:550	LOCAL TOURISM AND CONVENTION BUREAU PROGRAM	DCCA
14-560	20-605:560	ILLINOIS SMALL BUSINESS INCUBATOR PROGRAM	DCCA
4-575	20-605:575	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DCCA
47-600	20-605:600	KEEP ILLINOIS BEAUTIFUL PROGRAM	LT GOV
14-620	20-605:620	LABOR-MANAGEMENT PROGRAM	DCCA
14-630	20-605:630	CORRIDORS OF OPPORTUNITY PROGRAM	DCCA
2-800	20-605:800	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DCCA
56-2600	20-605:2600	SERVICE DELIVERY SYSTEM AND STATE RESPONSIBILITIES	DCCA
56-2610	20-605:2610	TRAINING SERVICES FOR THE DISADVANTAGED	DCCA
56-2625	20-605:2625	ECONOMIC DISLOCATION AND WORKER ADJUSTMENT ASSISTANCE	DCCA
56-2630	20-605:2630	UNIFORM FISCAL AND ADMINISTRATIVE STANDARDS FOR THE JOB	DCCA
56-2650	20-605:2650	INDUSTRIAL TRAINING PROGRAM	DCCA
56-2660	20-605:2660	JOB TRAINING AND ECONOMIC DEVELOPMENT DEMONSTRATION	DCCA
14-900	20-635:900	PROGRAMS	IEDA
14-910	20-635:910	HEARINGS	IEDA
14-510	20-665:510	ILLINOIS PROMOTION ACT PROGRAMS	DCCA
14-530	20-680:530	ILLINOIS NETWORK OPPORTUNITY PROGRAM	DCCA
14-545	20-700:545	TECHNOLOGY ADVANCEMENT AND DEVELOPMENT ACT PROGRAMS	DCCA
17-110	20-805:110	PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE	DNR
17-150	20-805:150	REGULATIONS FOR LETTING OF CONCESSIONS; FARM LEASES; SALE OF	DNR
17-170	20-805:170	FIREWOOD COLLECTION	DNR
17-180	20-805:180	ILLINOIS CONSERVATION CORPS SUMMER YOUTH EMPLOYMENT	DNR
17-210	20-805:210	RENTAL OF BOATS AND BOATING FACILITIES	DNR
17-220	20-805:220	NORTH POINT MARINA	DNR
17-230	20-805:230	NORTH POINT MARINA VENDORS	DNR
17-510	20-805:510	GENERAL HUNTING AND TRAPPING ON DEPARTMENT-OWNED	DNR
17-515	20-805:515	HUNTING AND TRAPPING ACCIDENTS	DNR
17-1540	20-805:1540	DISTRIBUTION AND SALE OF PLANT AND PLANT MATERIALS	DNR
17-1570	20-805:1570	RURAL COMMUNITY FIRE PROTECTION PROGRAM	DNR
17-2520	20-805:2520	CONSIGNMENT OF LICENSES, STAMPS AND PERMITS	DNR
17-2650	20-805:2650	ADVERTISING IN DEPARTMENT PUBLICATIONS	DNR
17-1090	20-830:1090	IMPLEMENTING PROCEDURES FOR THE INTERAGENCY WETLANDS	DNR
17-115	20-835:115	COMPETITIVE TOURNAMENT FISHING ON STATE OWNED AND/OR	DNR
17-130	20-835:130	CAMPING ON DEPARTMENT OF CONSERVATION PROPERTIES	DNR
17-140	20-835:140	HORSE BARN AT SITES HAVING EQUESTRIAN USE AREAS	DNR
17-1510	20-835:1510	REGULATIONS OF PUBLIC USE OF ILLINOIS NATURE PRESERVES	DNR
17-3030	20-860:3030	LAND AND WATER CONSERVATION FUND GRANT PROGRAM	DNR
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17-4130	20-860:4130	CERTIFICATION AND TRANSFER OF LOCAL SHARE OF HISTORIC	HPA	89-567	20-2405:567	COMPARABLE BENEFITS	DHS
32-100	20-1110:100	ADMINISTRATION OF THE ILLINOIS COAL AND ENERGY DEVELOPMENT	DNR	89-640	20-2405:640	PROJECTS WITH INDUSTRY	DHS
38-200	20-1205:200	FINANCIAL INSTITUTIONS CODE	DFI	89-645	20-2405:645	WORKER'S COMPENSATION	DHS
4-650	20-1205:650	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DFI	89-676	20-2405:676	PROGRAM DESCRIPTION	DHS
89-313	20-1305:313	COMMUNITY SERVICES	DHS	89-677	20-2405:677	CUSTOMER RIGHTS AND RESPONSIBILITIES	DHS
4-675	20-1605:675	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	LABOR	89-679	20-2405:679	DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST	DHS
11-1700	20-1605:1700	HEARINGS	LOTTERY	89-680	20-2405:680	CLIENT RESPONSIBILITIES	DHS
11-1770	20-1605:1770	LOTTERY (GENERAL)	LOTTERY	89-681	20-2405:681	PREScreening	DHS
59-0119	20-1705:119	MINIMUM STANDARDS FOR CERTIFICATION OF DEVELOPMENT TRAINING	DHS	89-682	20-2405:682	ELIGIBILITY	DHS
2-1025	20-1705:1025	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DHS	89-684	20-2405:684	SERVICE PLANNING PROVISION	DHS
68-1500	20-1805:1500	SALE OF NATIONAL GUARD ARMORIES AND LANDS	MIL. AFF.	89-686	20-2405:686	PROVIDER REQUIREMENTS, TYPE SERVICES AND RATES OF PAYMENT	DHS
68-1510	20-1805:1510	RENTAL OF NATIONAL GUARD ARMORIES	MIL. AFF.	89-716	20-2405:716	CASE MANAGEMENT SERVICES TO PERSONS WITH AIDS	DHS
71-1500	20-1805:1515	SALE OF NATIONAL GUARD ARMORIES AND LANDS	MIL. AFF.	89-730	20-2405:730	ILLINOIS CENTER FOR REHABILITATION AND EDUCATION/COMMUNITY	DHS
71-1510	20-1805:1520	RENTAL OF NATIONAL GUARD ARMORIES	MIL. AFF.	89-750	20-2405:750	ROLE OF RESIDENTIAL EDUCATIONAL FACILITIES OPERATED BY THE	DHS
23-3300	20-1805:2300	LOAN OF MILITARY ARTIFACTS	MIL. AFF.	89-755	20-2405:755	ADMISSION, SUSPENSION, EXPULSION AND DISCHARGE PROCEDURES	DHS
4-1000	20-1920:1000	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IELRB	89-760	20-2405:760	RESPONSIBILITY FOR SPECIAL EDUCATION	DHS
2-1500	20-1920:1500	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DNR	89-765	20-2405:765	THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION	DHS
62-2501	20-1920:2501	ABANDONED MINED LANDS RECLAMATION	DNR	89-770	20-2405:770	SPECIAL EDUCATION INSTRUCTIONAL PROGRAM	DHS
2-1075	20-2005:1075	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DNS	89-775	20-2405:775	SPECIAL EDUCATION RELATED SERVICES	DHS
68-1110	20-2105:1110	RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS	DNS	89-780	20-2405:780	VOCATIONAL PROGRAMS	DHS
68-1120	20-2105:1120	RECORDING OF PROCEEDINGS AT MEETINGS AND HEARINGS	DPR	89-785	20-2405:785	HOME AND HOSPITAL PROGRAMS	DHS
2-1325	20-2105:1325	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DPR	89-787	20-2405:787	ILLINOIS CHILDREN'S SCHOOL AND REHABILITATION CENTER'S RESPIRE	DHS
77-2500	20-2215:2500	GENERAL PROVISIONS	HCCCC	89-790	20-2405:790	STATE-OPERATED OR PRIVATE PROGRAMS	DHS
77-2510	20-2215:2510	DATA COLLECTION	HCCCC	89-795	20-2405:795	IDENTIFICATION, EVALUATION AND PLACEMENT OF EXCEPTIONAL	DHS
77-2520	20-2215:2520	REPORTS	HCCCC	89-800	20-2405:800	IMPARTIAL DUE PROCESS HEARING	DHS
77-2530	20-2215:2530	HOSPITAL PRICE INFORMATION	HCCCC	89-805	20-2405:805	SURROGATE PARENTS	DHS
77-2540	20-2215:2540	PENALTIES	HCCCC	89-810	20-2405:810	SPECIAL EDUCATION BOARD	DHS
77-2550	20-2215:2550	MISCELLANEOUS PROVISIONS	HCCCC	89-815	20-2405:815	SPECIAL TRANSPORTATION	DHS
2-2600	20-2215:2600	COUNCIL ORGANIZATION	ICJIA	89-820	20-2405:820	EVALUATION AND COORDINATION OF SPECIAL EDUCATION	DHS
77-690	20-2305:690	CONTROL OF COMMUNICABLE DISEASES CODE	DPH	89-825	20-2405:825	DEFINITION OF TERMS	DHS
77-693	20-2305:693	CONTROL OF SEXUALLY TRANSMISSIBLE DISEASES CODE	DPH	89-827	20-2405:827	RULES OF CONDUCT	DHS
77-895	20-2305:895	PUBLIC AREA SANITARY PRACTICE CODE	DPH	89-829	20-2405:829	SEX EQUITY	DHS
77-930	20-2305:930	SURFACE SOURCE WATER TREATMENT CODE	DPH	89-830	20-2405:830	NON-ACADEMIC PROGRAMS AND POLICIES	DHS
77-100	20-2310:100	RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS	DPH	89-835	20-2405:835	THEKELSENHANSEN COLLEGE LOAN FUND	DHS
77-420	20-2310:420	RULES AND REGULATIONS TO CARRY OUT PROVISIONS OF TITLES XVIII	DPH	89-840	20-2405:840	THE CONSULTATIVE EXAMINATION PROCESS	DHS
77-463	20-2310:463	STANDARDS FOR APPROVAL OF MILK LABORATORIES	DPH	89-843	20-2405:843	DISABILITY CASE DEVELOPMENT PROCESS	DHS
77-470	20-2310:470	SPERM BANK AND TISSUE CODE	DPH	89-845	20-2405:845	SEQUENTIAL EVALUATION PROCESS FOR THE DETERMINATION	DHS
77-475	20-2310:475	ASSESSING LABORATORY FEES FOR TOXOLOGIC ANALYSIS	DPH	89-846	20-2405:846	QUALIFICATIONS OF MEDICAL CONSULTANTS	DHS
77-635	20-2310:635	FAMILY PLANNING SERVICES CODE	DHS	89-850	20-2405:850	MEDICAL IMPROVEMENT REVIEW STANDARD FOR CONTINUING	DHS
77-657	20-2310:657	MATERNAL DEATH REVIEW	DPH	89-853	20-2405:853	DISABILITY HEARINGS AT THE RECONSIDERATION LEVEL	DHS
77-692	20-2310:692	AIDS DRUG REIMBURSEMENT PROGRAM	DPH	89-855	20-2405:855	CLAIMANT NOTIFICATION	DHS
77-697	20-2310:697	AIDS CONFIDENTIALITY AND TESTING CODE	DPH	89-860	20-2405:860	LISTING OF IMPAIRMENTS	DHS
77-960	20-2310:960	PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANTS PHHS	DPH	89-870	20-2405:870	THE DIABILITY ASSISTANCE PROGRAM	DHS
77-970	20-2310:970	BREAST AND CERVICAL CANCER RESEARCH FUND RULES	DPH	89-880	20-2405:880	VOTER REGISTRATION PROGRAM	DHS
77-980	20-2310:980	HEART DISEASE TREATMENT AND PREVENTION FUND RULES	DPH	89-885	20-2405:885	CENTERS FOR INDEPENDANT LIVING	DHS
89-505	20-2405:505	HEMOPHILIA TREATMENT FUND RULES	DPH	89-899	20-2405:899	LEKOTKS	DHS
89-510	20-2405:510	CONFIDENTIALITY OF INFORMATION	DHS	2-1176	20-2405:1176	ACCESS TO PUBLIC RECORDS	DHS
89-520	20-2405:520	APPEALS AND HEARINGS	DHS	89-515	20-2410:515	ADVISORY COUNCILS	DHS
89-525	20-2405:525	AUTHORIZATIONS	DHS	89-650	20-2420:650	VENDING FACILITY PROGRAM FOR THE BLIND	DHS
89-527	20-2405:527	GRANTS AND CONTRACTS	DHS	86-210	20-2505:210	BOARD OF APPEALS	REV
89-530	20-2405:530	RECOVERY OF MISSPENT FUNDS	DHS	89-220	20-2505:220	COUNTY RETAILERS' OCCUPATION TAX REGULATIONS	REV
89-545	20-2405:545	CRITERIA FOR EVALUATION OF PROGRAMS OF SERVICES IN	DHS	89-230	20-2505:230	HOME RULE COUNTY SERVICE OCCUPATION TAX	REV
89-546	20-2405:546	RATEMAKING	DHS	86-270	20-2505:270	HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX	REV
89-546	20-2405:546	PUBLIC USE OF DORS FACILITIES	DHS	86-280	20-2505:280	HOME RULE MUNICIPAL SERVICE OCCUPATION TAX	REV
89-553	20-2405:553	ASSESSMENT FOR DETERMINING ELIGIBILITY AND REHABILITATION	DHS	86-295	20-2505:295	HOME RULE MUNICIPAL USE TAX IMPOSED BY MUNICIPALITIES	REV
89-557	20-2405:557	APPLICATION	DHS	86-691	20-2505:691	SALEM CIVIC CENTER SERVICE OCCUPATION TAX	REV

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86-692	20-2505:692	SALEM CIVIC CENTER USE TAX	REV
2-1200	20-2505:1200	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DHR
89-205	20-2520:205	TAXPAYER RIGHTS	REV
86-205	20-2525:205	---XPAYER RIGHTS	REV
20-1225	20-2605:1225	DRUG ASSET FORFEITURE PROCEDURE ACT	DSP
20-1270	20-2605:1270	CRIMINAL HISTORY BACKGROUND INVESTIGATIONS	DSP
20-1285	20-2605:1285	SAMPLE COLLECTION FOR GENETIC MARKER INDEXING	DSP
20-1295	20-2605:1295	CERTIFICATION AND TRAINING OF ELECTRONIC CRIMINAL	DSP
80-150	20-2610:150	PROCEDURES FOR THE DEPARTMENT OF STATE POLICE MERIT BOARD	DSPMB
2-2050	20-2610:2050	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DSPMB
20-1205	20-2630:1205	EXPUNGEMENT PROCEDURES	DSP
20-1240	20-2630:1240	LAW ENFORCEMENT AGENCIES DATA SYSTEM (LEADS)	DSP
20-1265	20-2630:1265	ELECTRONIC TRANSMISSION OF FINGERPRINTS	DSP
92-540	20-2705:540	CONSTRUCTION OF PEDESTRIAN OVERPASS STRUCTURES ON	IDOT
92-740	20-2705:740	PORT DISTRICT DEVELOPMENT PROGRAM	IDOT
92-800	20-2705:800	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IDOT
95-110	20-2805:110	LOCAL RAIL SERVICE ASSISTANCE PROGRAM	IDOT
95-113	20-2805:113	RULES GOVERNING THE ILLINOIS VETERANS SCHOLARSHIP	VA
95-118	20-2805:118	RULES GOVERNING THE BOARD OF APPEALS	VA
95-121	20-2805:121	EXEMPTIONS FROM CAMPING AND ADMISSION FEES	VA
92-1250	20-2805:1250	PERSIAN GULF CONFLICT VETERANS' COMPENSATION	VA
68-10	20-3105:10	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DVA
68-20	20-3105:20	BOARD ACTION	CDB
68-30	20-3105:30	PROJECT PROCEDURES	CDB
68-40	20-3105:40	TRUST AGREEMENTS-USING EDUCATIONAL AGENCIES	CDB
68-50	20-3105:50	STANDARDS FOR AWARD OF GRANTS ELEMENTARY AND SECONDARY	CDB
68-100	20-3105:100	BONDING GUIDELINES	CDB
71-10	20-3105:110	HEARING PROCEDURES	CDB
71-20	20-3105:120	BOARD ACTION	CDB
71-30	20-3105:130	PROJECT PROCEDURES	CDB
71-40	20-3105:140	TRUST AGREEMENTS USING EDUCATIONAL AGENCIES	CDB
71-50	20-3105:150	STANDARDS FOR AWARD OF GRANTS ELEMENTARY AND SECONDARY	CDB
71-100	20-3105:200	HEARING PROCEDURES	CDB
71-150	20-3105:1650	RULES OF THE CAPITAL DEVELOPMENT BOARD	CDB
71-500	20-3120:500	ASBESTOS ABATEMENT AUTHORITY ACT PROCEDURES	CDB
68-500	20-3120:1182	ASBESTOS ABATEMENT AUTHORITY ACT PROCEDURES	CDB
4-325	20-3205:325	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DVA
4-375	20-3205:375	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	OBRE
29-110	20-3305:110	TRAINING AND EDUCATION PROGRAM	ESDA
29-205	20-3305:205	LOCAL EMERGENCY OPERATIONS PLANS	ESDA
29-320	20-3305:320	RADIOLOGICAL PROTECTION	ESDA
29-410	20-3305:410	INDIVIDUAL AND FAMILY GRANT PROGRAM	ESDA
29-420	20-3305:420	PUBLIC ASSISTANCE PROGRAM	ESDA
29-620	20-3305:620	EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW	ESDA
29-1300	20-3305:1300	EMERGENCY SERVICES AND DISASTER AGENCIES: ESTABLISHMENT	ESDA
29-1310	20-3305:1310	EMERGENCY MANAGEMENT ASSISTANCE PROGRAM	ESDA
2-1805	20-3305:1800	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	EMA
17-4120	20-3410:4120	INCLUSION AND REMOVAL OF PLACES FROM THE ILLINOIS REGISTER	HPA
17-4180	20-3414:4180	THE ILLINOIS REGISTER OF HISTORIC PLACES	HPA
29-572	20-3414:572	RULES FOR THE REVIEW OF STATE AGENCY UNDERTAKINGS	HPA
1-1350	20-3434:572	INDIVIDUAL WRITTEN REHABILITATION PROGRAM (ILWRP)	DHS
17-350	20-3435:350	GUIDELINES FOR INCLUSION AND REMOVAL OF PLACES	DNR
17-370	20-3435:370	RULES AND REGULATIONS PERTAINING TO THE ILLINOIS REGISTER	DNR
17-390	20-3435:390	THE PROTECTION OF ARCHAEOLOGICAL RESOURCES	DNR
17-4190	20-3435:4190	INHERITANCE DEPARTMENTAL ARCHAEOLOGICAL RESEARCH	DNR
		PROTECTION, TREATMENT AND INVENTORY OF ARCHEOLOGICAL	HPA

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4-950	20-3505:950	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IDFA
14-1200	20-3505:1200	ILLINOIS DEVELOPMENT ACTION GRANT PROGRAM	IEDA
14-1210	20-3505:1210	ILLINOIS HOUSING PARTNERSHIP PROGRAM	IEDA
14-1220	20-3505:1220	FINANCING PROGRAMS	IEDA
14-1230	20-3505:1230	EMPLOYEE OWNERSHIP ASSISTANCE PROGRAM	IEDA
2-1900	20-3705:1900	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	HFA
47-220	20-3805:220	SINGLE FAMILY MORTGAGE PURCHASE PROGRAM	IHDA
47-250	20-3805:250	SINGLE FAMILY MORTGAGE PURCHASE PROGRAM II	IHDA
47-260	20-3805:260	HOMEOWNER MORTGAGE REVENUE BOND PROGRAM	IHDA
47-310	20-3805:310	MULTIFAMILY RENTAL HOUSING MORTGAGE LOAN PROGRAM	IHDA
47-340	20-3805:340	LOANS TO LENDING INSTITUTIONS	IHDA
47-350	20-3805:350	LOW-INCOME HOUSING TAX CREDIT ALLOCATION	IHDA
47-360	20-3805:360	AFFORDABLE HOUSING PROGRAM	IHDA
47-365	20-3805:365	AFFORDABLE HOUSING BOND PROGRAM	IHDA
47-366	20-3805:366	AFFORDABLE HOUSING BOND PROGRAM-SINGLE FAMILY	IHDA
47-370	20-3805:370	NATIONAL AFFORDABLE HOUSING ACT (HOME) PROGRAM	IHDA
4-700	20-3805:700	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IHDA
2-1975	20-3805:1975	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IHDA
2-1976	20-3805:1976	ACCESS TO PUBLIC RECORDS OF THE ILLINOIS HOUSING DEVELOPMENT	IHDA
4-150	20-3930:150	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	ICJIA
20-1500	20-3930:1500	THE UNIFORM CONSIDERATION OF ANNUAL AND PERIODIC AUDITS	ICJIA
20-1510	20-3930:1510	THE UNIFORM CONSIDERATION OF ADMINISTRATIVE APPEALS	ICJIA
20-1520	20-3930:1520	OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL	ICJIA
20-1530	20-3930:1530	INDIVIDUAL'S RIGHT TO ACCESS AND REVIEW CRIMINAL HISTORY	ICJIA
20-1540	20-3930:1540	FEES FOR THE DISSEMINATION OF CONVICTION INFORMATION	ICJIA
20-1550	20-3930:1550	PROCEDURES FOR APPROVING THE FORM AND MANNER OF REPORTING	ICJIA
20-1560	20-3930:1560	OPERATING PROCEDURES FOR THE ADMINISTRATION OF NON-FEDERAL	ICJIA
20-1570	20-3930:1570	FEES FOR PROCESSING REQUESTS FOR CONVICTION INFORMATION	ICJIA
02-1750	20-3930:1750	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	ICJIA
77-2800	20-3935:2800	TRANSPILATION PROGRAM	IKLCCC
59-301	20-3955:301	FEES SCHEDULE FOR THE OFFICE OF THE STATE GUARDIAN	GAC
59-310	20-3955:310	HUMAN RIGHTS AUTHORITY	GAC
59-350	20-3955:350	LEGAL ADVOCACY SERVICE	GAC
4-850	20-3955:850	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DHR
4-875	20-3955:875	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	DHR
77-1100	20-3960:1100	NARRATIVE AND PLANNING POLICIES	HPFB
77-1110	20-3960:1110	PROCESSING, CLASSIFICATION POLICIES AND REVIEW CRITERIA	HPFB
77-1120	20-3960:1120	HEALTH FACILITIES PLANNING FINANCIAL AND ECONOMIC FEASIBILITY	HPFB
77-1130	20-3960:1130	HEALTH FACILITIES PLANNING PROCEDURAL RULES	HPFB
77-1170	20-3960:1170	CRITERIA AND PROCEDURE FOR RECOGNITION OF AREA WIDE HEALTH	HPFB
77-1180	20-3960:1180	PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS	HPFB
77-1190	20-3960:1190	PERMIT APPLICATION FEES	HPFB
77-1200	20-3960:1200	PUBLIC NOTICE OF OPPORTUNITY FOR PUBLIC HEARING AND PUBLIC	HPFB
77-1235	20-3960:1235	HEALTH CARE WORKER SELF REFERRAL	HPFB
77-1250	20-3960:1250	APPROPRIATENESS REVIEW	HPFB
77-1260	20-3960:1260	STATE BOARD POLICY STATEMENT REGARDING RESERVE BED	HPFB
77-1400	20-3960:1400	SALE OF BONDS	HPFB
2-1925	20-3960:1925	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	HPFB
2-1875	20-3995:1875	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	GAC
2-1720	20-4005:1720	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IMVTPC
50-1800	20-4005:1800	TRUST FUND COLLECTION RULES	IMVTPC
20-1810	20-4005:1810	RULES FOR THE AWARD AND MONITORING OF TRUST FUNDS	IPCCD
2-2900	20-4005:2900	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IPCCD
59-400	20-4010:400	GRANTS	IPCCD
4-800	20-4010:800	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IPCCD
56-5400	20-4020:5400	INDIVIDUAL TRAINING ASSISTANCE PROGRAM	IPCCD



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3-800	25-125:800	PLACEMENT OF MONUMENTS, MEMORIALS AND STATUES	SNC
3-850	25-125:850	SPACE UTILIZATION IN THE CAPITOL COMPLEX	SNC
3-860	25-145:600	ACCESS TO LEGISLATIVE INFORMATION SYSTEM INFORMATION	LIS
2-560	25-170:560	LOBBYIST REGISTRATION AND REPORTS	SOS
74-420	30-5:420	CODE OF REGULATIONS	AUG
74-440	30-5:440	CODE OF RULES	AUG
74-470	30-5:470	POST AUDIT RULES	AUG
2-600	30-5:600	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION AND AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	AUG
4-1125	30-5:1125	INTERNAL SERVICE FUND	AGRI
74-1000	30-105:100	GRANT PAYMENTS FOR GOODS/SERVICES RENDERED	CMS
77-190	30-105:190	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DPH
2-225	30-105:225	STATE EMPLOYEE BENEFIT ADMINISTRATION	LTCB
80-330	30-105:330	PREGNANCY TERMINATION REPORT CODE	CMS
77-505	30-105:505	SICK PAY PLANS	DPH
80-510	30-105:510	TRAVEL	COMP
80-2800	30-105:2800	TRAVEL FOR LEGISLATIVE EMPLOYEES	CMS
80-2850	30-105:2850	HIGHER EDUCATION TRAVEL	LTCB
80-2900	30-105:2900	THE TRAVEL REGULATION COUNCIL	HETCB
80-3000	30-105:3000	STATE AGENCY ACCOUNTS RECEIVABLE	TRC
74-910	30-210:910	GENERAL RULES	DCB
47-400	30-360:400	APPLICATION PROCESS FOR GOVERNMENTAL UNITS	IRBB
47-410	30-360:410	PURCHASE OF GOVERNMENTAL UNIT BONDS	IRBB
47-420	30-360:420	GENERAL CONDITIONS OF STATE OF ILLINOIS GRANTS FOR SEWAGE DEFINITIONS	IRBB
35-360	30-405:360	DEFINITIONS	EPB
68-1	30-415:1	DEFINITIONS	CDB
71-1	30-415:10	ADMINISTRATION OF THE ILLINOIS INDUSTRIAL COAL UTILIZATION BUILD ILLINOIS GRANTS TO NONPUBLIC INSTITUTIONS OF HIGHER	CDB
32-110	30-425:110	JOINT RULES OF THE BOARD OF REGENTS, THE BOARD OF GOVERNORS	DNR
23-1035	30-425:1035	PUBLIC BUILDING CONSTRUCTION	BHE
44-525	30-505:525	PUBLIC BUILDING CONSTRUCTION	BOR
68-2000	30-505:2000	PUBLIC BUILDING CONSTRUCTION	SOS
71-2000	30-505:2100	ILLINOIS SALMON STAMP CONTENTS PROCEDURES	SOS
17-2550	30-505:2550	JOINT RULES OF THE COMPTROLLER AND DEPARTMENT OF CENTRAL	DNR
74-330	30-540:330	JOINT RULES OF THE COMPTROLLER AND CMS: PROMPT PAYMENT	COMP
74-900	30-540:900	DAY CARE	CMS
89-1300	30-590:1300	ILLINOIS SMALL BUSINESS DEVELOPMENT PROGRAM	CMS
14-570	30-605:570	INTERGOVERNMENTAL DRUG ENFORCEMENT ACT	DCCA
20-1220	30-715:1220	URBAN AND COMMUNITY FORESTRY GRANT PROGRAM	DSP
17-1538	30-736:1538	REGULATIONS FOR PUBLIC TRANSPORTATION ASSISTANCE TO NEW	DNR
92-651	30-740:651	REGULATIONS FOR STATE OPERATING ASSISTANCE FOR DOWNSTATE	IDOT
92-653	30-740:653	ILLINOIS LARGE BUSINESS DEVELOPMENT PROGRAM	IDOT
14-590	30-750:590	ILLINOIS EQUITY INVESTMENT PROGRAM	DCCA
14-600	30-750:600	PUBLIC INFRASTRUCTURE LOAN AND GRANT PROGRAMS	DCCA
14-610	30-750:610	USE OF PUBLIC HISTORIC SITES AND PROPERTIES	DCCA
17-4160	30-750:4160	CIVIL SERVICE COMMISSION	HPA
80-1	30-805:1	PROCEDURES	CSC
53-100	30-805:100	CONSERVATION 2000-NATURAL RESOURCES COST-SHARE PROGRAM	SMBA
17-1522	30-105:1522	INCOME TAX	DNR
86-100	35-5:100	ELECTRONIC FILING OF ILLINOIS INDIVIDUAL INCOME TAX RETURNS	REV
86-105	35-5:105	USE TAX	REV
86-150	35-105:150	SERVICE OCCUPATION TAX	REV
86-160	35-110:160	AUTOMOBILE RENTING OCCUPATION TAX	REV
86-140	35-115:140	AUTOMOBILE RENTING USE TAX	REV
86-180	35-115:180	RETAILERS' OCCUPATION TAX	REV
86-190	35-115:190	PAYMENT OF TAXES BY ELECTRONIC FUNDS TRANSFER	REV
86-130	35-120:130		REV
86-750	35-120:750		REV

86-440	35-130:440	CIGARRETE TAX ACT	REV
86-200	35-135:200	HEARINGS BEFORE THE DEPARTMENT OF REVENUE	REV
89-200	35-135:200	PRACTICE AND PROCEDURE FOR HEARINGS BEFORE THE ILLINOIS	REV
86-450	35-135:450	CIGARRETE USE TAX ACT	REV
86-660	35-143:660	TOBACCO PRODUCTS TAX ACT OF 1995	REV
86-480	35-145:480	HOTEL OPERATOR'S OCCUPATION TAX ACT	REV
86-110	35-205:110	PROPERTY TAX CODE	REV
86-190	35-205:190	PROCEDURES	REV
17-4150	35-205:4150	TAX INCENTIVES TO REHABILITATE OWNER-OCCUPIED HISTORIC	HPA
86-120	35-305:120	REAL ESTATE TRANSFER TAX	REV
80-1120	35-315:1120	UNFAIR LABOR PRACTICE PROCEEDINGS	IELRB
80-1125	35-315:1125	FAIR SHARE FEE OBJECTIONS	IELRB
80-1130	35-315:1130	COLLECTIVE BARGAINING AND IMPASSE RESOLUTION	IELRB
80-1135	35-315:1135	UNIVERSITY OF ILLINOIS BARGAINING UNITS	IELRB
86-2000	35-405:2000	ILLINOIS ESTATE AND GENERATION-SKIPPING TRANSFER TAX ACT	REV
86-500	35-505:500	MOTOR FUEL TAX	REV
86-460	35-510:460	COIN-OPERATED AMUSEMENT DEVICE TAX	REV
86-428	35-520:428	CANNABIS AND CONTROLLED SUBSTANCES TAX ACT	REV
86-470	35-615:470	THE GAS REVENUE TAX ACT	REV
86-510	35-620:510	THE PUBLIC UTILITIES REVENUE ACT	REV
86-495	35-630:495	TELECOMMUNICATIONS EXCISE TAX	REV
86-700	35-735:700	UNIFORM PENALTY AND INTEREST ACT	REV
2-325	40-5:325	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	JRS
74-800	0-5:800	RULES AND REGULATIONS OF THE BOARD	SBI
80-1540	40-5:1540	THE ADMINISTRATION AND OPERATION OF THE STATE EMPLOYEES'	SERS
80-1570	40-5:1570	THE ADMINISTRATION AND OPERATION OF THE STATE EMPLOYEES'	SERS
80-1600	40-5:1600	UNIVERSITY RETIREMENT	SURS
80-1650	40-5:1650	THE ADMINISTRATION AND OPERATION OF THE TEACHER'S	TRSS
80-1700	40-5:1700	GENERAL ASSEMBLY RETIREMENT SYSTEM	GARS
80-1750	40-5:1750	RETIREMENT SYSTEM	JRS
2-2375	40-5:2375	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	SERS
80-2700	40-5:2700	STATE OF ILLINOIS EMPLOYEES' DEFERRED COMPENSATION PLAN	ISBI
50-4401	40-5:4401	EXAMINATION AND AUDIT PROCEDURES	INSURE
50-4401	40-5:4401	EXAMINATION AND AUDIT PROCEDURES	INSURE
50-4402	40-5:4402	DEFINITION OF SALARY	INSURE
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41-170	43-15:170	STORAGE, TRANSPORT, SALE AND USE OF LIQUEFIED PETROLEUM	OSPM
89-328	45-15:328	INTERSTATE PLACEMENT OF CHILDREN	DCFS
20-1700	50-705:1700	RECHARGE FUND FINANCIAL ASSISTANCE	LGLEOTB
20-1720	50-705:1720	ILLINOIS POLICE TRAINING ACT	LGLEOTB
20-1750	50-705:1750	BASIC CORRECTIONAL TRAINING	LGLEOTB
20-1760	50-705:1760	CORONERS BASIC TRAINING	LGLEOTB
20-1730	50-710:1730	MANDATORY FIREARMS TRAINING FOR PEACE OFFICERS	LGLEOTB
20-1710	50-715:1710	ADDITIONAL COMPENSATION FOR LAW ENFORCEMENT OFFICERS	LGLEOTB
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83-720	50-750:720	9-1-1 IMPLEMENTATION REPORTS (GENERAL ORDER 208)	ICC
77-600	55-5:500	CERTIFIED LOCAL HEALTH DEPARTMENT CODE	DPH
77-610	55-5:610	LOCAL HEALTH DEPARTMENT DEVELOPMENT GRANT RULES	DPH
77-615	55-5:615	LOCAL HEALTH PROTECTION GRANT RULES	DPH
68-900	55-5:900	ILLINOIS WEATHER MODIFICATION CONTROL ACT	DNR
77-547	55-110:547	REGIONAL AMBULANCE SERVICES CODE	DPH
2-2501	55-315:2501	FREEDOM OF INFORMATION ACT	ISLR/ILLR
86-525	65-5:525	TAX INCREMENT ALLOCATION FINANCING	REV
35-399	70-1705:399	FEES FOR REVIEWING APPLICATIONS TO CHANGE THE BOUNDARIES	NPC
77-915	70-3110:915	THE ILLINOIS WATER WELL AND PUMP INSTALLATION CONTRACTOR'S	DPH
86-370	70-3610:370	METRO EAST MASS TRANSIT DISTRICT RETAILER'S OCCUPATION TAX	REV



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86-380	70-3610:380	METRO EAST MASS TRANSIT DISTRICT SERVICE OCCUPATION TAX	REV
86-380	70-3610:390	METRO EAST MASS TRANSIT DISTRICT USE TAX	REV
89-320	70-3615:320	REGIONAL TRANSPORTATION AUTHORITY RETAILERS OCCUPATION TAX	REV
86-330	70-3615:330	REGIONAL TRANSPORTATION AUTHORITY SERVICE OCCUPATION TAX	REV
86-340	70-3615:340	REGIONAL TRANSPORTATION AUTHORITY USE TAX	REV
86-630	70-3720:630	COUNTY WATER COMMISSION RETAILERS' OCCUPATION TAX	REV
86-640	70-3720:640	COUNTY WATER COMMISSION SERVICE OCCUPATION TAX	REV
86-650	70-3720:650	COUNTY WATER COMMISSION USE TAX	REV
23-3030	75-10:3030	THE ILLINOIS LIBRARY SYSTEM ACT	SOS
23-3060	75-10:3060	PUBLIC LIBRARY CONSTRUCTION GRANTS	SOS
23-1	105-5:1	PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION CERTIFICATION	ISBE
23-25	105-5:25	STAFF DEVELOPMENT PLANS AND PROGRAMS	ISBE
23-30	105-5:30	EVALUATION OF CERTIFIED SCHOOL DISTRICT EMPLOYEES	ISBE
23-50	105-5:50	DISMISSAL OF TENURED TEACHERS	ISBE
23-51	105-5:51	DISMISSAL OF TENURED TEACHERS AND CIVIL SERVICE EMPLOYEES	ISBE
23-52	105-5:52	PROGRAM ACCOUNTING MANUAL	ISBE
23-110	105-5:110	MIA/POW SCHOLARSHIP	VA
95-116	105-5:116	PUPIL TRANSPORTATION REIMBURSEMENT	ISBE
23-120	105-5:120	STUDENT ACTIVITY FUNDS AND CONVENIENCE ACCOUNTS	ISBE
23-125	105-5:125	DETERMINING SPECIAL EDUCATION PER CAPITA TUITION CHARGE	ISBE
23-130	105-5:130	TEMPORARY RELOCATION EXPENSES	ISBE
23-145	105-5:145	LEMONTARY AND SECONDARY SCHOOL CAPITAL ASSISTANCE	ISBE
23-150	105-5:150	ELECTRONIC TRANSFER OF FUNDS	ISBE
23-155	105-5:155	BLOCK GRANT FOR SCHOOL IMPROVEMENT	ISBE
23-160	105-5:160	SPRINKLER SYSTEMS	ISBE
23-170	105-5:170	HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS	ISBE
23-180	105-5:180	SEX EQUITY	ISBE
23-200	105-5:200	DISADVANTAGED STUDENTS FUNDS PLAN-DISTRICTS BETWEEN 1,000	ISBE
23-201	105-5:201	DISADVANTAGED STUDENTS FUNDS PLAN-DISTRICTS OVER 50,000	ISBE
23-202	105-5:202	TRUANTS ALTERNATIVE AND OPTIONAL EDUCATION PROGRAMS	ISBE
23-205	105-5:205	ALTERNATIVE EDUCATION DIPLOMAS	ISBE
23-215	105-5:215	SCIENTIFIC LITERACY	ISBE
23-220	105-5:220	ALCOHOL AND DRUG EDUCATION INITIATIVE	ISBE
23-225	105-5:225	SPECIAL EDUCATION	ISBE
23-226	105-5:226	GIFTED EDUCATION	ISBE
23-227	105-5:227	TRANSITIONAL BILINGUAL EDUCATION	ISBE
23-228	105-5:228	SUMMER SCHOOL FOR GIFTED AND REMEDIAL EDUCATION	ISBE
23-230	105-5:230	PRESCHOOL EDUCATIONAL AND COORDINATED MODEL PRESCHOOL	ISBE
23-235	105-5:235	URBAN EDUCATION PARTNERSHIP PROGRAM	ISBE
23-245	105-5:245	COMPREHENSIVE ARTS PROGRAM	ISBE
23-250	105-5:250	CONSERVATION EDUCATION	ISBE
23-251	105-5:251	DRIVER EDUCATION	ISBE
23-252	105-5:252	COMPREHENSIVE HEALTH EDUCATION	ISBE
23-253	105-5:253	READING IMPROVEMENT PROGRAM	ISBE
23-260	105-5:260	PUPIL TRANSPORTATION	ISBE
23-275	105-5:275	SCHOOL FOOD SERVICE	ISBE
23-305	105-5:305	SECULAR TEXTBOOK LOAN	ISBE
23-350	105-5:350	MATHEMATICS AND SCIENCE LOAN PROGRAM	ISBE
23-360	105-5:360	NONPUBLIC SPECIAL EDUCATION FACILITIES	ISBE
23-401	105-5:401	PRIVATE BUSINESS AND VOCATIONAL SCHOOLS	ISBE
23-451	105-5:451	HEARING BEFORE THE STATE TEACHER CERTIFICATION BOARD	ISBE
23-452	105-5:452	REGIONAL OVERSIGHT BOARDS AND INTERMEDIATE SERVICES	ISBE
23-480	105-5:480	RULES ON TRANSPORTING PUPILS WHERE WALKING CONSTITUTES	IDOT
23-575	105-5:575	CUSTODIAL TRANSPORTATION OF PUPILS WHERE WALKING	IDOT

23-625	105-5:625	HEALTH EXAMINATIONS AND IMMUNIZATIONS	ISBE
89-900	105-5:900	GVERNOR'S PURCHASED CARE REVIEW BOARD	GPCRB
23-375	105-10:375	STUDENT RECORDS	ISBE
77-855	105-105:855	ASBESTOS ABATEMENT FOR PUBLIC AND PRIVATE SCHOOLS IN ILLINOIS	DPH
41-110	105-120:110	FIRE DRILLS IN SCHOOLS	OSFM
77-848	105-135:848	TOXIC ART SUPPLIES CODE	DPH
23-254	105-435:254	VOCATIONAL EDUCATION	DPH
77-694	110-20:694	COLLEGE IMMUNIZATION CODE	DPH
23-1005	110-40:1005	EDUCATIONAL PARTNERSHIP ACT SECONDARY SCHOOL DROPOUT	BHE
23-930	110-70:930	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	SUCCS
4-975	110-205:975	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	BHE
23-1030	110-205:1030	PROGRAM REVIEW (PRIVATE COLLEGES AND UNIVERSITIES)	BHE
23-1040	110-205:1040	NONINSTITUTIONAL CAPITAL IMPROVEMENTS AND COMMUNITY	BHE
23-1050	110-205:1050	PROGRAM IMPROVAL	BHE
23-1060	110-205:1060	APPROPRIATION TRANSFERS	BHE
23-1070	110-205:1070	A MASTER PLAN FOR POSTSECONDARY EDUCATION IN ILLINOIS	BHE
2-5050	110-205:5050	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	BHE
2-5051	110-205:5051	ACCESS TO PUBLIC INFORMATION	BHE
23-1000	110-210:1000	ILLINOIS FINANCIAL ASSISTANCE ACT FOR NONPUBLIC INSTITUTIONS	BHE
23-1036	110-210:1036	CAPITAL IMPROVEMENT GRANTS TO NONPUBLIC INSTITUTIONS	BHE
23-1037	110-210:1037	CAPITAL IMPROVEMENT GRANTS TO NONPUBLIC INSTITUTIONS	BHE
23-1020	110-215:1020	HEALTH SERVICES EDUCATION GRANTS ACT	BHE
23-1010	110-220:1010	HIGHER EDUCATION COOPERATION ACT	BHE
23-1015	110-225:1015	ILLINOIS COOPERATIVE WORK STUDY PROGRAM	BHE
23-1025	110-250:1025	ENGINEERING GRANT PROGRAM	BHE
89-1200	110-345:1200	PROGRAM CONTENT AND GUIDELINES FOR DIVISION OF SPECIALIZED	UIB
2-5125	110-520:5125	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	UIB
80-250	110-705:250	STATE UNIVERSITIES CIVIL SERVICE SYSTEM	SUCCS
80-2750	110-705:2750	TAX DEFERRED ANNUITY PLAN	BOR
2-5075	110-705:5075	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	BOR
2-5076	110-705:5076	FREEDOM OF INFORMATION ACT PROCEDURES	BOR
4-1050	110-905:1050	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	ICCB
23-1501	110-805:1501	ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT	ICCB
2-5175	110-805:5175	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	ICCB
77-598	110-905:598	ALLIED HEALTH CARE PROFESSIONAL ASSISTANCE LAW	DPH
77-595	110-915:595	BACCALAUREATE ASSISTANCE FOR REGISTERED NURSES	DPH
77-592	110-925:592	THE DENTAL STUDENT GRANT ACT	DPH
23-2400	110-930:2400	ILLINOIS CONSORTIUM FOR EDUCATIONAL OPPORTUNITY PROGRAM	ICEO
77-594	110-935:594	DISTRIBUTION OF MEDICAL STUDENT SCHOLARSHIP PAYBACK FUNDS	DPH
23-2700	110-947:2700	GENERAL PROVISION	SSC
23-2720	110-947:2720	FEDERAL FAMILY EDUCATION LOAN PROGRAM	ISAC
23-2730	110-947:2730	ILLINOIS NATIONAL GUARD GRANT PROGRAM	ISAC
23-2731	110-947:2731	GRANT PROGRAM FOR DEPENDANTS OF CORRECTIONAL OFFICERS	ISAC
23-2732	110-947:2732	POLICE OFFICER HIRE OFFICER SURVIVOR GRANT PROGRAM	ISAC
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23-2735	110-947:2735	MONETARY AWARD PROGRAM (MAP)	ISAC
23-2755	110-947:2755	ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM	ISAC
23-2760	110-947:2760	STATE SCHOLAR PROGRAM	ISAC
23-2761	110-947:2761	MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM	ISAC
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23-2763	110-947:2763	MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM	ISAC
23-2764	110-947:2764	DAVID E. DEBOLT TEACHER SHORTAGE SCHOLARSHIP PROGRAM	ISAC
23-2765	110-947:2765	ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER PROGRAM	ISAC
23-2766	110-947:2766	CHRISTA MCAULIFFE FELLOWSHIP PROGRAM	ISAC
23-2770	110-947:2770	STUDENT TO STUDENT (STS) PROGRAM OF MATCHING GRANTS	ISAC
23-2771	110-947:2771	COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM	ISAC
23-2772	110-947:2772	FELLOWSHIP, TRAINEESHIP AND SCHOLARSHIP PROGRAMS	ISAC

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23-2790	110-947:2790	LIMITATION, SUSPENSION, AND TERMINATION PROCEEDINGS	ISAC
2-5375	110-947:5375	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	ISAC
2-5376	110-947:5376	INFORMATION REQUESTS	SSC
77-597	110-975:597	NURSING EDUCATION SCHOLARSHIPS	DPH
77-593	110-978:593	PODIATRIC SCHOLARSHIP AND RESIDENCY PROGRAMS CODE	DPH
23-2310	110-1015:2310	FUNCTIONS AND PLANNING PROGRAM	IEFA
23-2320	110-1015:2320	APPLICATION GUIDELINES	IEFA
2-5200	110-1015:5200	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IEFA
80-1100	115-5:1100	GENERAL PROCEDURES	IELRB
80-1105	115-5:1105	HEARING PROCEDURES	IELRB
80-1110	115-5:1110	REPRESENTATION PROCEEDINGS	IELRB
2-2675	119-9:2675	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IELRB
2-2676	119-9:2676	FREEDOM OF INFORMATION	IELRB
38-450	204-635:450	RESIDENTIAL MORTGAGE LICENSE ACT OF 1987	CSRF
89-142	205-5:142	MEDIPLAN PLUS	DPA
38-300	205-5:300	REVERSE MORTGAGE LOANS	OBRE
38-305	205-5:305	BANK BRANCHES	OBRE
38-307	205-5:307	ACQUISITION OF FORMER MAIN BANKING PREMISES OR BRANCHES	OBRE
38-320	205-5:320	POWERS INCIDENTAL AND GERMANE TO CARRYING ON A GENERAL	OBRE
38-330	205-5:330	LENDING LIMITS	OBRE
38-335	205-5:335	UNIMPAIRED CAPITAL AND UNIMPAIRED SURPLUS	OBRE
38-340	205-5:340	LOANS TO BANK OFFICERS, EMPLOYEES, DIRECTORS OR TO	OBRE
38-350	205-5:350	LOAN AGREEMENTS PROVIDING FOR A BANK TO SHARE IN PROFITS,	OBRE
38-354	205-5:354	ADMINISTRATION OF ASSETS OBTAINED IN COLLECTION OF A DEBT	OBRE
38-355	205-5:355	STATUTORY BAD DEBTS	OBRE
38-357	205-5:357	REDUCTION IN THE NUMBER OF REQUIRED DIRECTORS	OBRE
38-375	205-5:375	CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES	OBRE
38-380	205-5:380	ELIGIBLE STATE BANK	OBRE
38-900	205-5:900	HEARINGS FOR REMOVAL OF DIRECTORS, OFFICERS, EMPLOYEES	SBB
38-370	205-10:370	POSTING NOTICE OF A PROPOSED ACQUISITION	OBRE
38-390	205-10:390	PUBLIC HEARINGS ON ACQUISITIONS OF ILLINOIS BANKS	OBRE
38-1000	205-105:1000	ILLINOIS SAVINGS AND LOAN ACT OF 1985 (OBRE)	OBRE
38-500	205-205:500	BOARD OF SAVINGS INSTITUTIONS	OBRE
38-1075	205-205:1075	SAVINGS BANK ACT	OBRE
38-190	205-305:190	ILLINOIS CREDIT UNION ACT	DFI
38-120	205-405:120	CURRENCY EXCHANGE ACT	DFI
38-125	205-405:125	THE FORMULATION AND ISSUANCE OF SCHEDULES OF MAXIMUM	DFI
38-130	205-405:130	SCHEDULES OF MAXIMUM RATES TO BE CHARGED FOR CHECK	DFI
38-310	205-615:310	ELECTRONIC FUND TRANSFERS	OBRE
38-356	205-620:356	REIMBURSEMENT TO BANKS AND CORPORATE FIDUCIARIES	OBRE
38-396	205-620:396	CORPORATE FIDUCIARY SUBSIDIARIES	OBRE
38-397	205-620:397	CORPORATE FIDUCIARY RECEIVERSHIP ACCOUNT	OBRE
38-399	205-620:399	STANDARDS FOR OPERATION AND CONDUCT OF AFFAIRS	OBRE
38-400	205-620:400	ILLINOIS SAVINGS AND LOAN ACT OF 1985	CSRF
38-1050	205-635:1050	RESIDENTIAL MORTGAGE LICENSE ACT OF 1987	OBRE
38-392	205-645:0392	HEARINGS BEFORE THE COMMISSIONER OF BANKS AND TRUST	OBRE
38-205	205-657:0205	TRANSMITTERS OF MONEY ACT	DFI
38-160	205-660:160	SALES FINANCE AGENCY ACT	DFI
38-140	205-665:140	FINANCIAL PLANNING AND MANAGEMENT SERVICE ACT	DFI
38-110	205-670:110	CONSUMER INSTALLMENT LOAN ACT	DFI
77-210	210-3:210	POSTSURGICAL RECOVERY CARE CENTER DEMONSTRATION PROGRAM	DPH
77-260	210-3:260	CHILDREN'S RESPITE CARE DEMONSTRATION PROGRAM	DPA
77-270	210-3:270	SUBACUTE CARE HOSPITAL DEMONSTRATION PROGRAM CODE	DPH
77-205	210-5:205	AMBULATORY SURGICAL TREATMENT CENTER LICENSING	DPH
77-460	210-20:460	BLOOD LABELING CODE	DPH
77-490	210-20:490	ILLINOIS BLOOD BANK CODE	DPH
77-450	210-25:450	ILLINOIS CLINICAL LABORATORIES CODE	DPH

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77-370	210-35:370	COMMUNITY LIVING FACILITIES CODE	DPH
77-396	210-40:396	LIFE CARE FACILITIES CONTRACT CODE	DPH
77-400	210-40:400	CENTRAL COMPLAINT REGISTRY	DPH
77-300	210-45:300	SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE	DPH
77-330	210-45:330	SHELTERED CARE FACILITIES CODE	DPH
77-340	210-45:340	ILLINOIS VETERAN'S HOMES CODE	DPH
77-350	210-45:350	INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES	DPH
77-390	210-45:390	LONG-TERM CARE FOR UNDER 22 FACILITIES CODE	DPH
77-395	210-45:395	LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE	DPH
77-430	210-45:430	RULES OF PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS	DPH
77-515	210-50:515	EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE	DPH
77-245	210-55:245	ILLINOIS HOME HEALTH AGENCY CODE	DPH
77-385	210-65:385	SUPPORTIVE RESIDENCES LICENSING CODE	DPH
77-250	210-85:250	HOSPITAL LICENSING REQUIREMENTS	DPH
77-800	210-95:800	RECREATION AREA CODE	DPH
77-810	210-100:810	YOUTH CAMP CODE	DPH
77-910	210-105:910	FIELD SANITATION CODE	DPH
77-935	210-110:935	MIGRANT LABOR CAMPS	DPH
77-860	210-115:860	MOBILE HOMES AND MOBILE HOME PARKS	DPH
77-870	210-120:870	ILLINOIS MOBILE HOME TIEDOWN ACT	DPH
77-820	210-125:820	ILLINOIS SWIMMING POOL AND BATHING BEACH CODE	DPH
50-101	215-5:101	NATION-WIDE MARINE DEFINITION OF THE NATIONAL ASSOCIATION	INSURE
50-102	215-5:102	PLATE GLASS SERVICE CONTRACTS	INSURE
50-201	215-5:201	SUBORDINATED INDEBTEDNESS	INSURE
50-202	215-5:202	MORTGAGE GUARANTY INSURANCE	INSURE
50-203	215-5:203	PROXIES, CONSENTS AND AUTHORIZATIONS	INSURE
50-204	215-5:204	INSIDER TRADING OF DOMESTIC STOCK INSURANCE COMPANY EQUITY	INSURE
50-205	215-5:205	MUNICIPAL BOND INSURANCE	INSURE
50-301	215-5:301	ACCUMULATION OF GUARANTY FUND OR GUARANTY CAPITAL-	INSURE
50-401	215-5:401	ACCUMULATIONS OF GUARANTY FUND OR GUARANTY CAPITAL-	INSURE
50-551	215-5:551	ILLINOIS INSURANCE EXCHANGE ANNUAL STATEMENT	INSURE
50-751	215-5:751	PREAMBLE AND DEFINITIONS	INSURE
50-752	215-5:752	LICENSE, DOCUMENTS NECESSARY TO ENGAGE IN ACTIVITIES	INSURE
50-753	215-5:753	FILING POLICY AND ENDORSEMENTS FORM	INSURE
50-754	215-5:754	RULES AND RATE FILINGS	INSURE
50-801	215-5:801	VALUATION OF INVESTMENTS	INSURE
50-802	215-5:802	PURCHASING AND SELLING CALL AND PUT OPTIONS CONTRACTS	INSURE
50-803	215-5:803	LINDING OF SECURITIES	INSURE
50-804	215-5:804	REPURCHASE AND REVERSE REPURCHASE AGREEMENTS	INSURE
50-805	215-5:805	FINANCIAL FUTURES CONTRACTS	INSURE
50-851	215-5:851	ACQUISITION OF CONTROL OF A DOMESTIC COMPANY	INSURE
50-852	215-5:852	REGISTRATION OF INSURERS	INSURE
50-853	215-5:853	PRE-ACQUISITION NOTIFICATION	INSURE
50-854	215-5:854	PRIOR NOTIFICATION OF TRANSACTIONS	INSURE
50-855	215-5:855	PRIOR NOTIFICATION OF DIVIDENDS ON COMMON STOCK AND OTHER	INSURE
50-901	215-5:901	DESTRUCTION OF RECORDS	INSURE
50-903	215-5:903	UNIFORM ACCOUNTING INSTRUCTIONS FOR FIRE AND MARINE AND	INSURE
50-904	215-5:904	INTERNAL SECURITY STANDARD AND FIDELITY BONDS	INSURE
50-906	215-5:906	ILLEGAL GROUPS AND UNFAIR RATE DISCRIMINATION	INSURE
50-907	215-5:907	EXEMPT SALE OF INSURANCE COMPANY SHARES	INSURE
50-908	215-5:908	RECORDING OF PREMIUMS COLLECTED AND DEFINITION OF GROSS	INSURE
50-909	215-5:909	ADVERTISING AND SALES PROMOTION OF LIFE INSURANCE AND	INSURE
50-910	215-5:910	CORRELATED SALES OF LIFE INSURANCE AND MUTUAL FUNDS	INSURE
50-911	215-5:911	UNEARNED PREMIUM RESERVE COMPUTATION	INSURE
50-912	215-5:912	COMMISSION ACCOUNTING FOR DIRECT PREMIUM	INSURE
50-913	215-5:913	SECURITIES REGULATION	INSURE
50-914	215-5:914	LIFE AND ACCIDENT AND HEALTH POLICY FORMS, DIVIDENDS	INSURE



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50-915	215-5-915	MANAGEMENT INFORMATION REPORTS	INSURE
50-916	215-5-916	REQUIRED PROCEDURE FOR FILING AND SECURING APPROVAL OF LIFE	INSURE
50-917	215-5-917	LIFE INSURANCE AND ANNUITY REPLACEMENT REGULATION	INSURE
50-919	215-5-919	UNPROPER CLAIMS PRACTICE	INSURE
50-921	215-5-921	EXCLUSION PROVISIONS - AUTOMOBILE	INSURE
50-922	215-5-922	RETROSPECTIVE COMPENSATION AGREEMENTS	INSURE
50-923	215-5-923	CEDED REINSURANCE OF PROPERTY AND LIABILITY INSURERS	INSURE
50-924	215-5-924	EQUIPMENT EXCLUSION	INSURE
50-925	215-5-925	ANNUAL AUDITED FINANCIAL REPORT	INSURE
50-926	215-5-926	INSURANCE DEPARTMENT COMPLAINTS	INSURE
50-927	215-5-927	ANTICIPATED SALVAGE AND SUBROGATION RECOVERABLE	INSURE
50-928	215-5-928	MEDICAL MALPRACTICE DATA BASE	INSURE
50-929	215-5-929	MEDICAL LIABILITY INSURANCE RULES AND RATE FILINGS	INSURE
50-930	215-5-930	LIFE INSURANCE SOLICITATION	INSURE
50-931	215-5-931	REQUIRED PROCEDURE FOR CONSUMER COMPLAINT FILINGS	INSURE
50-932	215-5-932	AUTOMOBILE ANTI-THEFT MECHANISMS	INSURE
50-934	215-5-934	USAGE OF SMOKER/NON-SMOKER MORTALITY TABLES IN DETERMINING	INSURE
50-935	215-5-935	REVISION OF THE MINIMUM MORTALITY STANDARD FOR VALUATION	INSURE
50-938	215-5-938	ACCIDENT AND HEALTH RISK RATIO NOTICE	INSURE
50-939	215-5-939	MEDICAL LIABILITY INSURANCE LOSS REPORTS	INSURE
50-940	215-5-940	MID-TERM CANCELLATIONS	INSURE
50-942	215-5-942	TAX ALLOCATION	INSURE
50-951	215-5-951	CREDIT LIFE AND CREDIT ACCIDENT AND HEALTH INSURANCE	INSURE
50-952	215-5-952	CREDIT ACCIDENT AND HEALTH INSURANCE	INSURE
50-953	215-5-953	PREMIUM REFUNDS	INSURE
50-1101	215-5-1101	REINSURANCE CEDED CONTRACTS	INSURE
50-1103	215-5-1103	LIFE REINSURANCE AGREEMENTS	INSURE
50-1104	215-5-1104	CREDIT LIFE REINSURANCE CEDED	INSURE
50-1250	215-5-1250	CORRECTIVE ORDERS	INSURE
50-1401	215-5-1401	SECURITY VALUATION RESERVE	INSURE
50-1402	215-5-1402	WAR CLAUSES	INSURE
50-1403	215-5-1403	FAMILY GROUP LIFE INSURANCE POLICY FORMS	INSURE
50-1404	215-5-1404	VALUATION OF RESERVES	INSURE
50-1405	215-5-1405	CONSTRUCTION AND FILING OF LIFE INSURANCE AND ANNUITY FORMS	INSURE
50-1406	215-5-1406	INDIVIDUAL AND GROUP LIFE INSURANCE POLICY ILLUSTRATIONS	INS
50-1407	215-5-1407	ACCELERATED LIFE BENEFIT/TERMINAL ILLNESS/QUALIFIED CONDITIONS	INSURE
50-1408	215-5-1408	ACTUARIAL OPINION AND MEMORANDUM	INSURE
50-1451	215-5-1451	VARIABLE CONTRACT RULE	INSURE
50-1601	215-5-1601	SECURITIES VALUATION RESERVE	INSURE
50-1602	215-5-1602	WAR CLAUSES (A/R/L/C)	INSURE
50-1603	215-5-1603	FAMILY GROUP LIFE INSURANCE POLICY FORM	INSURE
50-1604	215-5-1604	VALUATION OF RESERVE	INSURE
50-1605	215-5-1605	LEGAL RESERVE LIFE BLANK	INSURE
50-1701	215-5-1701	EXPLANATION OF SPECIAL AND CONTINGENCY RESERVES	INSURE
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11-1319	230-5:282	PLACING AND MONEY DISTRIBUTION	IRB
11-1320	230-5:283	FORBIDDEN CONDUCT	IRB
11-1322	230-5:284	FINES, SUSPENSION AND EXPULSION	IRB
11-1323	230-5:285	PROTESTS AND APPEALS	IRB
11-1324	230-5:286	TIMES AND RECORDS	IRB
11-1325	230-5:287	SECURITY AND ADMISSIONS	IRB
11-1402	230-5:288	STEWARDS	IRB
11-1403	230-5:289	OFFICIALS OF MEETING	IRB
11-1404	230-5:290	RACING SECRETARY	IRB
11-1405	230-5:291	CLERK OF THE SCALES	IRB
11-1406	230-5:292	JUDGES	IRB
11-1407	230-5:293	LICENSES AND APPLICATIONS; ASSOCIATION LICENSES	IRB
11-1408	230-5:294	LICENSING OF PARTICIPANTS	IRB
11-1409	230-5:295	OWNERSHIP, PARTNERSHIP AND STABLE NAME	IRB
11-1410	230-5:296	TRAINERS AND OWNERS	IRB
11-1411	230-5:297	JOCKEYS, APPRENTICES, JOCKEY AGENTS AND VALETS	IRB
11-1412	230-5:298	WEIGHTS, PENALTIES AND ALLOWANCES; SCALE OF WEIGHTS FOR AGE	IRB
11-1413	230-5:299	ENTRIES, SUBSCRIPTION AND DECLARATIONS	IRB
11-300	230-5:300	PARI MUTUALS	IRB
11-301	230-5:301	WIN, PLACE AND SHOW POOLS	IRB
11-302	230-5:302	INTERSTATE COMMON POOLS	IRB
11-303	230-5:303	DAILY DOUBLE	IRB



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86-3000	230-10:3000	RIVERBOAT GAMBLING	REV
26-210	230-15:210	RAFFLES CONDUCTED BY POLITICAL COMMITTEES	SBE
86-432	230-20:432	PULL TABS AND JAR GAMES ACT	REV
86-430	230-25:430	BINGO LICENSE AND TAX ACT	REV
86-435	230-30:435	CHARITABLE GAMES ACT	REV
11-305	230-35:305	PERFECTA/EXACTA	IRB
11-508	230-5:508	SUBSTANCE ABUSE	IRB
11-100	235-5:100	THE ILLINOIS LIQUOR CONTROL COMMISSION	ILCC
86-420	235-5:420	ALCOHOLIC LIQUOR ACT	REV
2-2075	235-5:2075	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	ILCC
77-725	240-30:725	SALVAGE WAREHOUSES AND STORES FOR FOODS, ALCOHOLIC	DPH
89-10	305-5:10	GENERAL ADMINISTRATIVE PROVISIONS	DHS
89-50	305-5:50	CHILD CARE	DHS
89-101	305-5:101	GENERAL ADMINISTRATIVE PROVISIONS	DPA
89-102	305-5:102	RIGHTS AND RESPONSIBILITIES	DPA
89-103	305-5:103	SUPPORT RESPONSIBILITY OF RELATIVES	DPA
89-104	305-5:104	PRACTICE IN ADMINISTRATIVE HEARINGS	DPA
89-110	305-5:110	APPLICATION PROCESS	DPA
89-111	305-5:111	ASSISTANCE STANDARDS	DPA
89-112	305-5:112	AID TO FAMILIES WITH DEPENDENT CHILDREN	DHS
89-113	305-5:113	AID TO THE AGED, BLIND OR DISABLED	DHS
89-114	305-5:114	GENERAL ASSISTANCE	DHS
89-115	305-5:115	REFUGEE/ENRANT/REPATRIATE PROGRAM	DHS
89-116	305-5:116	CRISIS ASSISTANCE	DHS
89-117	305-5:117	RELATED PROGRAM PROVISIONS	DHS
89-118	305-5:118	SPECIAL ELIGIBILITY GROUPS	DPA
89-120	305-5:120	MEDICAL ASSISTANCE PROGRAMS	DPA
89-121	305-5:121	FOOD STAMPS	DHS
89-130	305-5:130	ADMINISTRATION OF SOCIAL SERVICE PROGRAMS	DHS
89-140	305-5:140	MEDICAL PAYMENT	DPA
89-144	305-5:144	DEVELOPMENTAL DISABILITIES SERVICES	DHS
89-146	305-5:146	SPECIALIZED HEALTH CARE DELIVERY SYSTEMS	DPA
89-147	305-5:147	REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES	DPA
89-148	305-5:148	HOSPITAL SERVICES	DPA
89-149	305-5:149	DIAGNOSIS RELATED GROUPING (DRG) PROSPECTIVE PAYMENT SYSTEM	DPA
89-152	305-5:152	HOSPITAL REIMBURSEMENT CHANGES	DPA
89-153	305-5:153	LONG TERM CARE REIMBURSEMENT CHANGES	DPA
89-160	305-5:0160	CHILD SUPPORT ENFORCEMENT	DPA
89-165	305-5:165	COLLECTIONS AND RECOVERIES	DHS
89-170	305-5:170	DEMONSTRATION PROGRAMS	DHS
74-730	305-5:730	SMART MONEY PROGRAM CONFIDENTIALITY REQUIREMENTS	TREA
89-1000	305-5:1000	RULES OF PRACTICE IN ADMINISTRATIVE HEARING: SUBPART D	DPH
2-1100	305-5:1100	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DPA
2-1101	305-5:1101	FREEDOM OF INFORMATION	DPA
86-535	305-40:535	NURSING HOME GRANT ASSISTANCE ACT	REV
17-2575	310-40:2575	RELOCATION ASSISTANCE AND PAYMENTS PROGRAM	DNR
74-750	310-55:750	HOME OWNERSHIP MADE EASIER	TREA
47-700	315-15:700	BY LAWS	ICDFC
86-530	320-25:530	SENIOR CITIZENS AND DISABLED PERSON PROPERTY TAX RELIEF	REV
89-260	320-35:260	ILLONG-TERM CARE INSURANCE PARTNERSHIP DEMONSTRATION	AGING
89-688	320-35:688	ILLINOIS LONG-TERM CARE PARTNERSHIP DEMONSTRATION PROGRAM	AGING
20-1260	325-4:1260	INTERGOVERNMENTAL MISSING CHILD RECOVERY ACT	DSP
89-304	325-5:304	ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES	DCFS
89-326	325-5:326	PLANNING FOR STATEWIDE RESOURCE ALLOCATION	DCFS
89-327	325-5:327	PERMANENCY ADVOCACY SERVICES	DCFS
89-333	325-5:330	INTERCOUNTRY ADOPTION SERVICES	DCFS

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11-304	230-5:304	QUINELLA	IRB
11-306	230-5:306	TRIFECTA	IRB
11-307	230-5:307	TWIN TRIFECTA EXCHANGE	IRB
11-308	230-5:308	PICK (N) POOLS	IRB
11-309	230-5:309	SUPERTRIECTA	IRB
11-310	230-5:310	SUPERTRIECTA EXCHANGE	IRB
11-312	230-5:312	PLACE PICK N POOLS	IRB
11-314	230-5:314	QUARTER HORSE RACING	IRB
11-315	230-5:315	PPT	IRB
11-316	230-5:316	MATCH RIVAL	IRB
11-317	230-5:317	SHOW QUINELLA	IRB
11-321	230-5:321	COUNTDOWN	IRB
11-322	230-5:322	ACCOUNT WAGERING	IRB
11-402	230-5:402	SIMULCAST REQUIREMENTS	IRB
11-403	230-5:403	CONCESSIONAIRE RULES	IRB
11-404	230-5:404	ILLINOIS RACE TRACK RULES FOR FIRE SAFETY	IRB
11-411	230-5:411	RACE TRACK IMPROVEMENT FUND	IRB
11-412	230-5:412	RACE TRACK SURFACES	IRB
11-415	230-5:415	UNIFORM SYSTEM OF ACCOUNTS	IRB
11-420	230-5:420	PROGRAMS	IRB
11-422	230-5:422	SANITATION RULES	IRB
11-423	230-5:423	APPROVAL OF RACING OFFICIALS	IRB
11-425	230-5:425	PROHIBITED CONDUCT	IRB
11-431	230-5:431	RACE TRACK SECURITY	IRB
11-432	230-5:0432	RACE TRACK LEASES	IRB
11-433	230-5:433	TOTALIZATOR SYSTEM LICENSES	IRB
11-434	230-5:434	TOTALIZATOR OPERATIONS	IRB
11-435	230-5:435	OUTSTANDING TICKETS	IRB
11-436	230-5:436	INTER-TRACK WAGERING FACILITIES	IRB
11-502	230-5:502	SECURITY AREAS	IRB
11-506	230-5:506	LICENSING	IRB
11-509	230-5:509	RESPONSIBILITIES AND DUTIES OF OCCUPATION LICENCEES	IRB
11-510	230-5:510	MEDICATION	IRB
11-510	230-5:510	CLAIMING RACES	IRB
11-603	230-5:603	MEDICATION	IRB
11-719	230-5:719	OPERATIONAL CLAIMING RACES AND STARTER ALLOWANCE RACES	IRB
11-720	230-5:720	THOROUGHBRED OFF TRACK STABLING RULES	IRB
11-1301	230-5:1301	ILLINOIS RACING BOARD	IRB
11-1302	230-5:1302	LICENSING (HARNESS RACING)	IRB
11-1303	230-5:1303	VIOLATIONS	IRB
11-1305	230-5:1305	RACE TRACK OPERATORS AND THEIR DUTIES	IRB
11-1306	230-5:1306	RACE OFFICIALS	IRB
11-1307	230-5:1307	IDENTIFICATION OF HORSES	IRB
11-1308	230-5:1308	RACING, FARM, CORPOATE STABLE NAME	IRB
11-1415	230-5:1415	STARTING (THOROUGHBRED)	IRB
11-1416	230-5:1416	RULES OF THE RACE	IRB
11-1417	230-5:1417	OBJECTIONS	IRB
11-1420	230-5:1420	EMPLOYMENT	IRB
11-1422	230-5:1422	CORRUPT PRACTICES	IRB
11-1424	230-5:1424	REGULATIONS FOR MEETINGS	IRB
11-1425	230-5:1425	DISCRETIONARY RULES	IRB
11-1426	230-5:1426	NIGHT RACING	IRB
11-1428	230-5:1428	ADMISSIONS AND CREDENTIALS	IRB
11-1429	230-5:1429	EVERY EMPLOYEE IDENTIFIED	IRB
11-1431	230-5:1431	HORSE HEALTH RULES	IRB
11-1437	230-5:1437	DISCLOSURE RULES	IRB
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89-331	325-5:331	UNUSUAL INCIDENTS INVOLVING DEPARTMENT CLIENTS, EMPLOYEES	DCFS	77-710	410-410:710	ILLINOIS ALZHEIMER'S DISEASE AND RELATED DISORDERS ASSISTANCE	DPH
89-334	325-5:334	ADMINISTRATION AND FUNDING OF COMMUNITY-BASED SERVICES	DHS	77-705	410-420:705	HEMOPHELIA PROGRAM	DHS
89-336	325-5:336	APPEAL OF CHILD ABUSE AND NEGLECT INVESTIGATION FINDINGS	DCFS	77-700	410-430:700	RENAL DISEASES PROGRAM FOR CARE AND TREATMENT CODE	DHS
59-121	325-20:121	EARLY INTERVENTION PROGRAM	DHS	2-1125	410-440:1125	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DPH
59-122	325-20:122	CERTIFICATION UNDER MEDICAID REHABILITATION OPTION FOR EARLY	DHS	77-550	410-515:550	HEAD AND SPINAL CORD INJURY CODE	DPH
20-1291	325-40:1291	MISSING PERSON NOTIFICATION	DSP	77-1005	410-520:1005	COLLECTION, DISCLOSURE AND CONFIDENTIALITY OF HEALTH	DPH
20-1290	325-55:1290	MISSING PERSON BIRTH RECORDS AND SCHOOL REGISTRATION	DSP	77-840	410-525:840	ILLINOIS HEALTH AND HAZARDOUS SUBSTANCES REGISTRY	DPH
95-106	330-15:106	DUTIES OF THE SUPERINTENDENTS OF THE ILLINOIS VETERANS HOMES	VA	77-500	410-535:500	ILLINOIS VITAL RECORDS CODE	DPH
95-107	330-15:107	ADMISSION TO AND DISCHARGE FROM ILLINOIS VETERANS HOMES	VA	8-65	410-615:065	EGG AND EGG PRODUCTS ACT	AGRI
95-108	330-15:108	PAYMENT OF MAINTENANCE CHARGES AND INCOME MANAGEMENT	VA	77-720	410-620:720	THE ILLINOIS FOOD, DRUG AND COSMETIC ACT	DPH
95-109	330-15:109	FUNERAL AND BURIAL PROCEDURES	VA	77-730	410-620:730	THE MANUFACTURING, PROCESSING, PACKING OR HOLDING OF FOOD	DPH
95-117	330-25:117	VETERAN VETERANS ACT PROGRAM	VA	77-735	410-620:735	PROCESSORS OF FRESH AND SMOKED FISH	DPH
95-104	330-30:104	RULES GOVERNING PAYMENT OF VIETNAM VETERANS COMPENSATION	VA	77-738	410-620:738	PROCESSORS OF CACAO PRODUCTS AN CONFECTIONARY	DPH
95-105	330-35:105	RULES GOVERNING PAYMENT OF THE "VIETNAM PRISONERS OF WAR	VA	77-740	410-620:740	SOFT DRINK MANUFACTURERS	DPH
95-111	330-40:111	RULES GOVERNING PAYMENT OF WORLD WAR II VETERANS	VA	77-750	410-620:750	FOOD SERVICE SANITATION CODE	DPH
95-112	330-40:112	RULES GOVERNING PAYMENT OF KOREAN VETERANS COMPENSATION	VA	77-760	410-620:760	RETAIL FOOD STORE SANITATION CODE	DPH
95-103	330-65:103	THE ESPECIALLY ADAPTED HOUSING GRANTS	VA	77-785	410-620:785	MANUFACTURED DAIRY PRODUCTS	DPH
95-102	330-100:120	SURVIVORS' COMPENSATION ACT PROGRAM	VA	77-790	410-620:790	THE ILLINOIS FORMULARY FOR THE DRUG PRODUCT SELECTION	DPH
95-102	330-110:102	RULES GOVERNING PAYMENT FOR CARTAGE AND ERECTION OF	VA	77-775	410-635:775	GRADE A PASTEURIZED MILK AND MILK PRODUCTS	DPH
59-101	405-5:101	ADMINISTRATION	DHS	77-743	410-650:743	SANITARY VENDING OF FOOD AND BEVERAGES	DPH
59-102	405-5:102	DEPARTMENT FACILITIES AND GROUNDS	DHS	35-101	415-5:101	GENERAL RULES	PCB
59-103	405-5:103	GRANTS	DHS	35-102	415-5:102	REGULATORY AND INFORMATIONAL HEARINGS AND PROCEEDINGS	PCB
59-0104	405-5:104	PERSONNEL	DHS	35-103	415-5:103	ENFORCEMENT PROCEEDINGS	PCB
59-106	405-5:105	SERVICES CHARGES	DHS	35-104	415-5:104	VARIANCES	PCB
59-108	405-5:106	EDUCATION AND TRAINING	DHS	35-105	415-5:105	PERMITS	PCB
59-110	405-5:110	RECIPIENT'S PROPERTY	DHS	35-106	415-5:106	HEARINGS PURSUANT TO SPECIFIC RULES	PCB
59-111	405-5:111	RECIPIENT'S RIGHTS	DHS	35-107	415-5:107	OFFICE OF THE STATE FIRE MARSHAL APPEALS	PCB
59-112	405-5:112	TREATMENT AND REHABILITATION SERVICES	DHS	35-120	415-5:120	IDENTIFICATION AND PROTECTION OF TRADE SECRETS	PCB
59-113	405-5:113	MINIMUM STANDARDS FOR LICENSURE OF COMMUNITY RESIDENTIAL	DHS	35-164	415-5:164	PROCEDURES FOR INFORMATIONAL AND QUASI-LEGISLATIVE PUBLIC	PCB
59-115	405-5:115	STANDARDS AND LICENSURE REQUIREMENTS FOR COMMUNITY-	DHS	32-166	415-5:166	PROCEDURES FOR PERMIT AND CLOSURE PLAN HEARINGS	EPA
59-117	405-5:117	FAMILY ASSISTANCE AND HOME-BASED SUPPORT PROGRAMS	DHS	35-168	415-5:168	PROCEDURES FOR CONTESTED CASE HEARINGS	EPA
59-120	405-5:120	MEDICAID HOME AND COMMUNITY-BASED SERVICES WAIVER PROGRAM	DHS	35-170	415-5:170	PROCEDURES FOR COORDINATED PERMIT REVIEW	EPA
59-125	405-5:125	RECIPIENT DISCHARGE/LINKAGE/AFTERCARE	MIL. AFF.	32-174	415-5:174	DELEGATION OF CONSTRUCTION AND OPERATING PERMIT AUTHORITY	EPA
59-132	405-5:132	MEDICAID COMMUNITY MENTAL HEALTH SERVICES PROGRAM	DHS	35-180	415-5:180	PROCEDURES AND CRITERIA FOR REVIEWING APPLICATIONS FOR	EPA
59-135	405-5:135	INDIVIDUAL CARE GRANTS FOR MENTALLY ILL CHILDREN	DHS	35-183	415-5:183	JOINT RULES OF THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,	EPA
59-258	405-5:258	STANDARDS AND REQUIREMENTS FOR PRE-ADMISSION SCREENING	DHS	35-190	415-5:190	JOINT RULES OF THE ILLINOIS EPA, DEPARTMENT OF PUBLIC HEALTH,	DNS
77-520	410-10:520	THE TREATMENT OF CHOKING VICTIMS	DPH	35-195	415-5:195	PERMITS AND GENERAL PROVISION	PCB
71-400	410-20:400	ILLINOIS ACCESSIBILITY CODE	CD8	35-201	415-5:201	ALT-RNATIVE CONTROL STRATEGIES	PCB
77-665	410-45:665	CHILD HEALTH EXAMINATION CODE	DPH	35-202	415-5:202	MAJOR STATIONARY SOURCES CONSTRUCTION AND MODIFICATION	PCB
77-845	410-45:845	LEAD POISONING PREVENTION CODE	DPH	35-203	415-5:203	DEFINITIONS AND GENERAL PROVISIONS	PCB
89-890	410-55:890	TELECOMMUNICATION DEVICES FOR THE HEARING IMPAIRED	DHS	35-211	415-5:211	VISIBLE AND PARTICULATE MATTER EMISSIONS	PCB
77-590	410-65:590	FAMILY PRACTICE RESIDENCY CODE	DPH	35-212	415-5:212	SULFUR LIMITATIONS	PCB
77-596	410-65:596	ILLINOIS RURAL HEALTH CODE	DPH	35-214	415-5:214	ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS	PCB
77-545	410-70:545	SEXUAL ASSAULT SURVIVORS EMERGENCY TREATMENT CODE	DPH	35-215	415-5:215	CARBON MONOXIDE EMISSIONS	PCB
77-675	410-205:675	HEARING TRAINING	DPH	35-216	415-5:216	NITROGEN OXIDE EMISSIONS	PCB
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77-681	410-205:681	AUDIOMETRY CERTIFICATION, RECERTIFICATION AND CALIBRATION	DPH	35-218	415-5:218	ORGANIC MATERIAL EMISSION STANDARDS FOR THE METRO EAST	PCB
77-685	410-205:685	VISION SCREENING	DPH	35-219	415-5:219	ASBESTOS	PCB
89-300	410-210:300	REPORTS OF CHILD ABUSE AND NEGLECT	DCFS	35-228	415-5:228	TOXIC AIR CONTAMINANTS	PCB
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77-630	410-250:630	MATERNAL AND CHILD HEALTH SERVICES CODE	DHS	35-243	415-5:243	EPISODES	PCB
77-0640	410-250:640	REGIONALIZED PERINATAL HEALTH CARE CODE	DPH	35-244	415-5:244	ODORS	PCB
77-0572	410-255:672	WIC VENDOR MANAGEMENT CODE	DHS	35-245	415-5:245	PROCEDURES FOR COLLECTION OF AIR POLLUTION SITE FEES	EPA
77-3000	410-395:000	HEARING AID CONSUMER PROTECTION CONTINUING EDUCATION	HACPB	35-251	415-5:251		

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35-255	415-5-255	GENERAL CONFORMITY: CRITERIA AND PROCEDURES	EPA
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35-301	415-5-301	INTRODUCTION	PCB
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35-303	415-5-303	WATER USE DESIGNATIONS AND SITE SPECIFIC WATER QUALITY	PCB
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35-570	415-5-570	DESIGN AND MAINTENANCE CRITERIA REGARDING RUNOFF FIELD	EPA
35-601	415-5-601	INTRODUCTION	PCB
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35-615	415-5-605	EXISTING ACTIVITIES IN A SETBACK ZONE OR REGULATED RECHARGE	PCB
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35-1450	415-5-1450	PROCEDURES FOR OPERATION OF THE POTENTIALLY INFECTIOUS	EPA
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35-181	415-85-181	TOXIC POLLUTION PREVENTION INNOVATION PLAN	EPA
32-520	415-95-520	CONTROL OF JUNKYARDS AND SCRAP PROCESSING FACILITIES	IDOT
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32-601	420-20-601	LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE	DNS
32-605	420-20-605	STANDARDS FOR SELECTION OF CONTRACTORS	DNS
32-606	420-20-606	REQUIREMENTS FOR THE DISPOSAL OF LOW-LEVEL RADIOACTIVE WASTE	DNS
32-609	420-20-609	ACCESS TO FACILITIES FOR TREATMENT, STORAGE OR DISPOSAL	DNS
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32-334	420-34-334	FEES FOR BY-PRODUCT MATERIAL LICENSES	DNS
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32-333	420-40-333	FEES FOR CALIBRATION SERVICES	DNS
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32-410	420-40-410	RADIATION INSPECTORS AND INSPECTIONS	DNS
32-420	420-40-420	REGISTRATION OF RADON DETECTION AND MITIGATION SERVICES	DNS
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41-150	425-25-150	RACE TRACK RULES FOR FIRE SAFETY	OSFM
41-210	425-25-210	APPEALS AND ENFORCEMENT PROCEEDINGS	OSFM
41-105	425-30-105	FIREWORKS	OSFM
17-1560	425-40-1560	FOREST FIRE PROTECTION DISTRICTS ACT	DNR
41-300	425-45-300	FURNITURE FIRE SAFETY REGULATIONS	OSFM
41-180	430-5-180	STORAGE TRANSPORTATION, SALE AND USE OF GASOLINE AND	OSFM
41-200	430-5-200	STORAGE, TRANSPORTATION, SALE AND USE OF LIQUIFIED PETROLEUM	OSFM
41-160	430-15-160	STORAGE, TRANSPORTATION, SALE AND USE OF GASOLINE AND	OSFM
41-250	430-15-250	FIRE EQUIPMENT DISTRIBUTOR AND EMPLOYEE STANDARDS	OSFM
92-102	430-30-102	RULEMAKING PROCEDURES	OSFM
92-107	430-30-107	PROCEDURES	IDOT
92-108	430-30-108	HAZARDOUS MATERIALS CIVIL MONEY PENALTY POLICY	IDOT
92-171	430-30-171	GENERAL INFORMATION, REGULATIONS AND DEFINITIONS	IDOT
92-172	430-30-172	HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS	IDOT
92-173	430-30-173	SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS	IDOT
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92-179	430-30-179	SPECIFICATIONS FOR TANK CARS	IDOT
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77-850	430-35-850	UNIFORM HAZARDOUS SUBSTANCES ACT OF ILLINOIS	DPH
29-610	430-45-610	DEVELOPMENT, ANNUAL REVIEW, COORDINATION OF CHEMICAL	ESDA
29-430	430-50-430	EMERGENCY AND WRITTEN NOTIFICATION OF AN INCIDENT OR	OSFM
41-270	430-55-270	HAZARDOUS MATERIALS EMERGENCY RESPONSE REIMBURSEMENT	OSFM
20-1230	430-65-1230	FIREARM OWNER'S IDENTIFICATION CARD ACT	DSP
20-1235	430-65-1235	FIREARM TRANSFER INQUIRY PROGRAM	DSP
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56-6000	430-85-6000	CARNIVAL AND AMUSEMENT RIDE INSPECTION LAW	CASB
77-684	430-110-684	ILLINOIS EYEGLASSES AND SUNGLASSES FRAMES AND LENSES ACT	DPH
77-880	430-115-880	MANUFACTURED HOUSING AND MOBILE STRUCTURES	DPH
8-200	505-30-200	COMMERCIAL FEED ACT	AGRI
2-700	505-40-700	ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE	AGRI
8-05	505-65-5	STANDARDIZATION OF AGRICULTURE PRODUCTS	AGRI
8-255	505-80-255	AGRICHEMICAL FACILITIES	AGRI
2-450	505-80-450	DEPARTMENT ORGANIZATION	AGRI
8-240	505-90-240	INSECT PEST AND PLANT DISEASE ACT	AGRI
8-220	505-100-220	ILLINOIS NOXIOUS WEED LAW	AGRI
8-230	505-110-230	ILLINOIS SEED LAW	AGRI
8-235	505-110-235	SEED ARBITRATION	AGRI
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8-110	510-10-110	ANIMAL DIAGNOSTIC LABORATORY ACT	AGRI
17-1590	510-20-1590	FALCONRY AND THE CAPTIVE PROPAGATION OF RAPTORS	DNR
8-60	510-25-60	BEES AND APIERIES ACT	AGRI
8-75	510-30-75	BOVINE BRUCELLOSIS	AGRI
8-80	510-35-80	ILLINOIS BOVINE TUBERCULOSIS ERADICATION ACT	AGRI
8-25	510-50-25	ANIMAL WELFARE ACT	AGRI
8-30	510-50-30	ANIMAL CONTROL ACT	AGRI
8-100	510-50-100	SWINE BRUCELLOSIS	AGRI
56-205	510-50-205	TOXIC SUBSTANCE DISCLOSURE TO EMPLOYEES	AGRI
8-116	510-65-116	ILLINOIS INFECTIOUS ANEMIA CONTROL	AGRI
8-35	510-70-35	HUMAN CARE FOR ANIMALS ACT	AGRI
8-50	510-75-50	HUMAN SLAUGHTER OF LIVESTOCK	AGRI
35-506	510-77-77	LIVESTOCK WASTE REGULATIONS	EPA
8-55	510-85-55	HATCHERIES, POULTRY FLOCKS, AND PRODUCE THEREOF	AGRI



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8-85	510-85:85	DISEASED ANIMALS	AGRI
8-20	510-90:20	DEFINITIONS	AGRI
8-115	510-90:115	ILLINOIS PSEUDORABIES CONTROL ACT	AGRI
8-105	510-95:105	SWINE DISEASE CONTROL AND ERADICATION ACT	AGRI
35-662	514-5:662	ISSUING LOANS FROM THE PUBLIC WATER SUPPLY LOAN FUND	EPA
35-663	514-5:663	DETERMINING LOAN PRIORITIES FOR PROJECTS IN PUBLIC WATER SUPPLY	EPA
17-810	515-5:810	SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS	DNR
17-830	515-5:830	COMMERCIAL FISHING AND MUSSELING IN CERTAIN WATERS	DNR
17-850	515-5:850	COMMERCIAL FISHING IN LAKE MICHIGAN	DNR
17-860	515-5:860	FISH SALVAGE	DNR
17-870	515-5:870	AQUACULTURE, TRANSPORTATION, STOCKING, IMPORTATION	DNR
17-880	515-5:880	THE TAKING OF REPTILES AND AMPHIBIANS	DNR
17-890	515-5:890	FISH REMOVAL WITH CHEMICALS	DNR
17-920	520-5:920	SCIENTIFIC PERMITS	DNR
17-925	520-5:925	NUISANCE WILDLIFE CONTROL PERMITS	DNR
17-930	520-5:930	COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL, AND	DNR
17-950	520-5:950	RACCOON, OPPOSSUM, STRIPED SKUNK, WEASEL, RED FOX, GRAY FOX,	DNR
17-960	520-5:960	MUSKRAT, MINK, RACCOON, OPPOSSUM, STRIPED SKUNK, WEASEL, RED	DNR
17-970	520-5:970	DUCK, GOOSE, AND COOT HUNTING	DNR
17-630	520-5:630	DISEASE FREE CERTIFICATION AND QUARANTINE PROVISIONS FOR	DNR
17-650	520-5:650	WHITE-TAILED DEER HUNTING BY USE OF FIREARMS	DNR
17-660	520-5:660	WHITE-TAILED DEER HUNTING BY USE OF MUZZLELOADING RIFLES	DNR
17-670	520-5:670	WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW	DNR
17-680	520-5:680	WHITE-TAILED DEER HUNTING BY USE OF HANDGUN	DNR
17-690	520-5:690	SQUIRREL HUNTING	DNR
17-710	520-5:710	THE TAKING OF WILD TURKEY-SPRING SEASON	DNR
17-715	520-5:715	THE TAKING OF WILD TURKEYS-THE FALL GUN SEASON	DNR
17-720	520-5:720	DOVE HUNTING	DNR
17-730	520-5:730	CROW, WOODCOCK, SNIPER, RAIL AND TEAL HUNTING	DNR
17-740	520-5:740	HUNTING SEASON FOR GAME BREEDING AND HUNTING PRESERVE	DNR
17-745	520-5:745	DISPOSITION OF DEER ACCIDENTALLY KILLED BY MOTOR VEHICLE	DNR
17-750	520-5:750	FIELD TRIALS ON DEPARTMENT-OWNED OR MANAGED SITES	DNR
17-910	520-5:910	FIELD TRIAL ON NON-DEPARTMENT OWNED OR MANAGED SITES	DNR
17-930	520-5:930	DOG TRAINING ON DEPARTMENT-OWNED OR MANAGED SITES	DNR
17-950	520-5:950	DOG TRAINING ON NON-DEPARTMENT OWNED OR MANAGED SITES	DNR
17-960	520-5:960	DEPARTMENT FORMAL HEARINGS CONDUCTED FOR RULEMAKING	DNR
17-530	520-5:2530	ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA	DNR
17-1010	520-10:1010	ILLINOIS LIST OF ENDANGERED OR THREATENED FLORA	DNR
17-1050	520-10:1050	POSSESSION OF SPECIMENS OR PRODUCTS OF ENDANGERED OR	DNR
17-1070	520-10:1070	CONSULTATION PROCEDURES FOR ASSESSING IMPACTS OF AGENCY	DNR
17-1075	520-10:1075	FORESTRY DEVELOPMENT COST-SHARE PROGRAM	DNR
17-1536	520-15:1536	FOREST MANAGEMENT PLAN	DNR
17-1537	520-15:1537	GINSENG HARVEST AND COMMERCE REGULATIONS	DNR
17-1580	525-20:1580	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DNR
2-2150	525-30:2150	BOAT ACCESS AREA DEVELOPMENT PROGRAM	NPC
17-3035	525-30:3035	MANAGEMENT OF NATURE PRESERVES	NPC
17-4000	525-30:4000	PUBLIC MEETINGS ON PROPOSED ACTION-NATURE PRESERVES	NPC
17-4010	525-30:4010	REGISTER OF LAND AND WATER RESERVES	NPC
17-3025	525-35:3025	OPEN SPACE LANDS ACQUISITION AND DEVELOPMENT GRANT	NPC
17-1539	525-40:1539	SEED COLLECTION	DNR
17-1545	525-40:1545	SALE OF FOREST PRODUCTS	DNR
83-725	550-750:725	STANDARDS OF SERVICE APPLICABLE TO 9-1-1 EMERGENCY SYSTEMS	ICC
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92-14	605-5:14	AVIATION SAFETY	IDOT
92-510	605-5:510	POLICY GOVERNING PROTECTIVE FENCING ON OVERPASSES	IDOT
92-518	605-5:518	RELOCATION ASSISTANCE AND PAYMENTS PROGRAM	IDOT

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92-532	605-5:532	MAILBOX TURNOUTS	IDOT
92-533	605-5:533	USE AND ENJOYMENT OF REST AREAS	IDOT
92-534	605-5:534	VENDING MACHINES IN REST AREAS	IDOT
92-542	605-5:542	BUSINESS LOGO SIGNING PROGRAM	IDOT
92-544	605-5:544	FINANCING OF TRAFFIC CONTROL SIGNAL INSTALLATION	IDOT
92-550	605-5:550	POLICY ON PERMITS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS	IDOT
92-552	605-5:552	SIGNING TO TRAFFIC GENERATORS AND MOTORIST SERVICES	IDOT
92-2500	605-10:2500	AUTHORIZATION AND OPERATION OF EMERGENCY WRECKER SERVICES	ISTHA
92-2510	605-10:2510	DISCHARGE OF SEWAGE INTO THE DRAIN SYSTEM	ISTHA
92-2520	605-10:2520	STATE TOLL HIGHWAY RULES	ISTHA
92-700	615-5:700	CONSTRUCTION IN FLOODWAYS OF RIVERS, LAKES AND STREAMS	IDOT
92-702	615-5:702	CONSTRUCTION AND MAINTENANCE OF DAMS	IDOT
92-704	615-5:704	REGULATION OF PUBLIC WATERS	IDOT
92-708	615-5:708	FLOODWAY CONSTRUCTION IN NORTHEASTERN ILLINOIS	IDOT
92-720	615-5:720	RULES ESTABLISHING HORIZONTAL AND VERTICAL CLEARANCES FOR	IDOT
92-730	615-5:730	ALLOCATION OF WATER FROM LAKE MICHIGAN	IDOT
92-18	620-5:18	AURORA MUNICIPAL AIRPORT HAZARD ZONING	IDOT
92-20	620-5:20	BENTON MUNICIPAL HAZARD ZONING REGULATIONS	IDOT
92-22	620-5:22	BI-STATE PARKS AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-24	620-5:24	BLOOMINGTON-NORMAL AIRPORT HAZARD ZONING REGULATIO	IDOT
92-25	620-5:25	CAIRO AIRPORT HAZARD HAZARD ZONING REGULATIONS	IDOT
92-26	620-5:26	CARMi MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-27	620-5:27	CASEY MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-28	620-5:28	CINCAGO-O'HARE INTERNATIONAL AIRPORT HAZARD ZONING	IDOT
92-30	620-5:30	CIVIC MEMORIAL AIRPORT ZONING REGULATIONS	IDOT
92-32	620-5:32	COLES COUNTY MEMORIAL AIRPORT ZONING REGULATIONS	IDOT
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92-36	620-5:36	DEKALB MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-37	620-5:37	DUPAGE AIRPORT HAZARD ZONING	IDOT
92-38	620-5:38	EDGAR COUNTY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-40	620-5:40	EFFINGHAM COUNTY MEMORIAL AIRPORT HAZARD ZONING	IDOT
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92-46	620-25:46	GREATER KANKAKEE AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-47	620-25:47	GREATER ROCKFORD HAZARDOUS ZONING REGULATIONS	IDOT
92-48	620-25:48	GREENVILLE AIRPORT ZONING REGULATIONS	IDOT
92-49	620-25:49	HAVANA REGIONAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-50	620-25:50	INGERSOLL MUNICIPAL AIRPORT HAZARD ZONING	IDOT
92-52	620-25:52	JACKSONVILLE MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-54	620-25:54	KEWANEE MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-56	620-25:56	LAWRENCEVILLE-VINCENNES MUNICIPAL AIRPORT HAZARD ZONING	IDOT
92-57	620-25:57	LEWIS UNIVERSITY AIRPORT HAZARD ZONING	IDOT
92-58	620-25:58	LITCHFIELD MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-60	620-25:60	LOGAN COUNTY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-62	620-25:62	MACOMB MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-64	620-25:64	MARSHALL COUNTY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-66	620-25:66	METROPOLIS MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-67	620-25:67	MORRIS MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-68	620-25:68	MT. CARMEL MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-70	620-25:70	MT. VERNON-OUTLAND AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-72	620-25:72	OLNEY-NOBLE AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-73	620-25:73	PEKIN AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-74	620-25:74	PITTSFIELD-PENSTONE MUNICIPAL AIRPORT HAZARD ZONING	IDOT
92-75	620-25:75	QUINCY MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT

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92-76	620-25-76	ROCHELLE MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-77	620-25-77	SCOTT-JOINT USE AIRPORT HAZARD ZONING	IDOT
92-78	620-25-78	SHELBY COUNTY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-80	620-25-80	SOUTHERN ILLINOIS AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-82	620-25-82	SPARTA COMMUNITY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-84	620-25-84	STRANSKY MEMORIAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-86	620-25-86	TAYLORVILLE MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-88	620-25-88	VANDALIA MUNICIPAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-90	620-25-90	VERMILION COUNTY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-92	620-25-92	WAUKEGAN MEMORIAL AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-94	620-25-94	WILLIAMSON COUNTY AIRPORT HAZARD ZONING REGULATIONS	IDOT
92-95	620-25-95	ILLINOIS VALLEY REGIONAL AIRPORT HAZARD ZONING	IDOT
92-96	620-25-96	PAL-WAUKEE MUNICIPAL AIRPORT HAZARD ZONING	IDOT
92-97	620-25-97	DIXON MUNICIPAL AIRPORT HAZARD ZONING	IDOT
86-151	625-5-151	VEHICLE USE TAX	REV
35-276	625-5-276	PROCEDURES TO BE FOLLOWED IN THE PERFORMANCE OF ANNUAL	EPA
92-386	625-5-386	PROCEDURES AND ENFORCEMENT	IDOT
92-390	625-5-390	MOTOR CARRIER SAFETY REGULATIONS: GENERAL	IDOT
92-391	625-5-391	QUALIFICATION OF DRIVERS	IDOT
92-392	625-5-392	DRIVING OF MOTOR VEHICLES	IDOT
92-393	625-5-393	PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION	IDOT
92-395	625-5-395	HOURS OF SERVICE OF DRIVERS	IDOT
92-396	625-5-396	INSPECTION, REPAIR AND MAINTENANCE	IDOT
92-397	625-5-397	DRIVING AND PARKING	IDOT
92-426	625-5-426	BICYCLE REFLEX REFLECTOR REQUIREMENTS	IDOT
92-428	625-5-428	UNSAFE OPERATING CONDITIONS OF PASSENGER CAR TIRES	IDOT
92-440	625-5-440	MINIMUM SAFETY STANDARDS FOR CONSTRUCTION OF TYPE I SCHOOL	IDOT
92-441	625-5-441	INSPECTION PROCEDURES FOR TYPE I SCHOOL BUSES	IDOT
92-442	625-5-442	MINIMUM SAFETY STANDARDS FOR CONSTRUCTION OF TYPE II SCHOOL	IDOT
92-443	625-5-443	INSPECTION PROCEDURES FOR TYPE II SCHOOL BUSES	IDOT
92-444	625-5-444	MINIMUM SAFETY STANDARDS FOR SCHOOL BUSES USED IN SPECIAL	IDOT
92-445	625-5-445	INSPECTION PROCEDURES FOR SPECIAL EDUCATION SCHOOL BUSES	IDOT
92-446	625-5-446	RATES TO BE CHARGED BY OFFICIAL TESTING STATIONS FOR SCHOOL	IDOT
92-447	625-5-447	SCHOOL BUS BRAKE INSPECTIONS	IDOT
92-448	625-5-448	OFFICIAL TESTING STATIONS	IDOT
92-449	625-5-449	ALTERNATE FUEL SYSTEMS FOR SCHOOL BUSES	IDOT
92-450	625-5-450	COMMERCIAL VEHICLE SAFETY SECTION HEARINGS	IDOT
92-451	625-5-451	ADMINISTRATIVE REQUIREMENTS FOR OFFICIAL TESTING STATIONS	IDOT
92-453	625-5-453	SPECIFICATIONS FOR SEAT SAFETY BELTS	IDOT
92-454	625-5-454	RATES TO BE CHARGED BY OFFICIAL TESTING STATIONS FOR VEHICLES	IDOT
92-456	625-5-456	NONSCHEDULED BUS INSPECTIONS	IDOT
77-510	625-5-510	TESTING OF BREATH, BLOOD AND URINE FOR ALCOHOL AND/OR OTHER	DPH
2-553	625-5-553	HEARING OFFICER QUALIFICATIONS	SOS
92-554	625-5-554	OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE	IDOT
92-558	625-5-558	SECUREMENT OF STEEL COILS AND OTHER OBJECTS ON FLATBED	IDOT
92-564	625-5-564	SLOW-MOVING VEHICLE IDENTIFICATION EMBLEM	IDOT
92-1067	625-5-1000	GENERAL RULES, DEFINITIONS	SOS
92-1068	625-5-1001	PROCEDURES AND STANDARDS	SOS
92-1002	625-5-1002	SALE OF INFORMATION	SOS
92-1003	625-5-1003	COLLECTION OF FEES	SOS
92-1010	625-5-1010	CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES	SOS
92-1019	625-5-1019	REMITTANCE AGENTS	SOS
92-1020	625-5-1020	DEALERS, WRECKERS, TRANSPORTERS AND REBUILDERS	SOS
92-1030	625-5-1030	ISSUANCE OF LICENSES	SOS
92-1040	625-5-1035	SCHOOL BUS DRIVER PERMIT	SOS
92-1040	625-5-1040	CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES/PERMITS	SOS
92-1050	625-5-1050	LICENSE PROVISIONS VIOLATIONS	SOS

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92-1055	625-5-1055	ANTI-THEFT AND ABANDONED VEHICLES LAW	SOS
92-1060	625-5-1060	COMMERCIAL DRIVER TRAINING SCHOOLS	SOS
92-1070	625-5-1070	ILLINOIS SAFETY RESPONSIBILITY LAW	SOS
92-1080	625-5-1080	MOTOR VEHICLES USED IN TRANSPORTING PASSENGERS	SOS
92-1090	625-5-1090	FOR RENT VEHICLES FOR-HIRE	SOS
92-1100	625-5-1100	RULES OF THE ROAD-HANDICAPPED PARKING	SOS
92-1201	625-5-1201	GENERAL FILING REQUIREMENTS	ICC
92-1202	625-5-1202	APPLICATIONS	ICC
92-1203	625-5-1203	EMPLOYEE BOARDS	ICC
92-1205	625-5-1205	FEES AND TAXES	ICC
92-1206	625-5-1206	INVESTIGATION AND SUSPENSION OF RATES	ICC
92-1207	625-5-1207	AGENTS FOR SERVICE OF PROCESS	ICC
92-1225	625-5-1225	PUBLICATION, POSTING AND FILING OF TARIFFS, CONTRACTS, CLAIMS	ICC
92-1226	625-5-1226	COMPETITIVE BIDS FOR TRANSPORTATION PROVIDED TO UNITS	ICC
92-1230	625-5-1230	PRACTICE BEFORE THE INDEPENDANT REVIEW BOARD	ICC
92-1235	625-5-1235	REINSTATEMENT OF REVOKED OPERATING AUTHORITY	ICC
92-1236	625-5-1236	OPERATION OF MOTOR VEHICLES	DSP
20-1250	625-5-1250	TRANSFERS OF LICENSES	ICC
92-1270	625-5-1270	LICENSES AND REGISTRATIONS	ICC
92-1301	625-5-1301	CAB CARDS AND IDENTIFIERS	ICC
92-1302	625-5-1302	ANNUAL REPORTS	ICC
92-1303	625-5-1303	MOTOR CARRIER OF PROPERTY FITNESS STANDARDS	ICC
92-1304	625-5-1304	INTERPRETATIONS OF STATUTORY LANGUAGE	ICC
92-1306	625-5-1306	CARRIER IDENTIFICATION	ICC
92-1307	625-5-1308	UNLAWFUL OPERATIONS	ICC
92-1309	625-5-1309	CONVERSION OF CONTRACT TO COMMON AUTHORITY	ICC
92-1360	625-5-1360	EQUIPMENT LEASES	ICC
92-1376	625-5-1376	ACCOUNTING AND FINANCIAL RECORD REQUIREMENTS	ICC
92-1400	625-5-1400	TARIFF BUREAUS	ICC
92-1415	625-5-1415	FREIGHT BILLS, BILLS OF LADING, OR OTHER FORMS	ICC
92-1425	625-5-1425	FINANCIAL RESPONSIBILITY OF CARRIERS	ICC
92-1435	625-5-1435	SANCTIONS INCLUDING SUSPENSION OR REVOCATION OF OPERATING	ICC
92-1440	625-5-1440	GUIDELINES FOR THE ASSESSMENT OF PENALTIES	ICC
92-1455	625-5-1455	TRANSPORTATION OF HOUSEHOLD GOODS IN INTRASTATE COMMERCE	ICC
92-1470	625-5-1470	NON-RELOCATION TOWING	ICC
92-1500	625-5-1500	MINIMUM CLEARANCE APPLICABLE TO TRACKS, STRUCTURES,	ICC
92-1501	625-5-1501	REGISTRATION OF RAIL CARRIERS	ICC
92-1515	625-5-1515	SIDINGS AND SPUR TRACKS	ICC
92-1516	625-5-1516	REPORT OF RAILROAD ACCIDENTS/INCIDENTS	ICC
92-1520	625-5-1520	REMOVAL OR DISCONTINUANCE OF STATION OR AGENCY	ICC
92-1535	625-5-1535	CROSSINGS OF RAIL CARRIERS AND HIGHWAYS	ICC
92-1536	625-5-1536	GRADE CROSSING CLOSURE AND OPENING	ICC
92-1545	625-5-1545	THE PROVISION, CONSTRUCTION AND MAINTENANCE OF SANITATION	ICC
92-1550	625-5-1550	MOTOR VEHICLES USED BY COMMON CARRIERS BY RAIL TRANSPORT	ICC
92-1565	625-5-1565	STAGGERS ACT	ICC
92-1570	625-5-1570	RAIL CARRIER RATES	ICC
92-1575	625-5-1575	FILING RAIL CARRIER RATES	ICC
92-1580	625-5-1580	INVESTIGATION AND SUSPENSION OF RAIL CARRIER RATES	ICC
92-1585	625-5-1585	MARKET DOMINANCE BY RAIL CARRIERS	ICC
92-1590	625-5-1590	COMPLAINTS AGAINST RAIL CARRIER RATES	ICC
92-1595	625-5-1595	RAIL CARRIER CONTRACT RATES	ICC
92-1600	625-5-1600	EXEMPTION OF RAIL CARRIER TRANSPORTATION	ICC
92-1605	625-5-1605	HAZARDOUS MATERIALS	ICC
92-1710	625-5-1710	RELOCATION TOWING	ICC
92-1720	625-5-1720	UNIFORM SYSTEM OF ACCOUNTS FOR RELOCATORS	ICC
92-1730	625-5-1730	IMPOSITION OF SANCTIONS INCLUDING THE SUSPENSION OR	ICC



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20-720	730-5-720	MUNICIPAL JAIL AND LOCKUP STANDARDS	DOC
02-850	730-5-850	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	DOC
20-1610	730-5-1610	PRISONER REVIEW BOARD	PRB
20-1215	730-150-1215	ILLINOIS UNIFORM CONVICTION INFORMATION ACT	DSP
730-150-1280	730-150-1280	HABITUAL CHILD SEX OFFENDER REGISTRATION ACT	DSP
17-1585	740-185-1585	WRONGFUL TREE CUTTING	DNR
89-302	750-50-302	SERVICES DELIVERED BY THE DEPARTMENT	DCFS
89-305	750-50-305	CLIENT SERVICE TRAINING	DCFS
89-250	750-60-250	ELDER ABUSE PROGRAM	AGING
14-480	760-55-480	CHARITABLE TRUST ACT	AGRI
38-600	760-100-600	CEMETERY CARE	COMP
38-800	765-1025-180	UNIFORM DISPOSITION OF UNCLAIMED PROPERTY ACT	DFI
2-925	775-5-800	DISCRIMINATION INVOLVING CREDIT	DHR
2-926	775-5-925	RULEMAKING AND ORGANIZATION	DHR
2-2000	775-5-926	ACCESS TO INFORMATION	DHR
71-2300	775-5-2000	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	HRC
56-2500	775-5-2300	HOUSING DISCRIMINATION	DHR
56-2510	775-5-2500	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS AND THE	DHR
56-2520	775-5-2510	DISCRIMINATION IN EMPLOYMENT BASED ON UNFAVORABLE MILITARY	DHR
56-2530	775-5-2520	PROCEDURES OF THE DEPARTMENT OF HUMAN RIGHTS	DHR
56-2540	775-5-2530	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS	DHR
56-5200	775-5-2540	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS	DHR
56-5210	775-5-5200	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS	HRC
56-5220	775-5-5210	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS	HRC
56-6300	775-5-5220	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS	HRC
14-150	775-5-5300	JOINT RULES OF THE DEPARTMENT OF HUMAN RIGHTS	HRC
38-195	805-5-150	BUSINESS CORPORATION ACT	SOS
14-160	805-35-195	ILLINOIS DEVELOPMENT CREDIT CORPORATION ACT	DFI
14-178	805-105-160	GENERAL NOT FOR PROFIT CORPORATIONS	SOS
14-165	805-180-178	LIMITED LIABILITY COMPANY ACT	SOS
14-170	805-205-165	UNIFORM PARTNERSHIP ACT	SOS
14-180	805-210-170	REVISED UNIFORM LIMITED PARTNERSHIP ACT	SOS
14-640	810-5-180	UNIFORM COMMERCIAL CODE	SOS
14-130	810-5-640	RURAL DIVERSIFICATION PROGRAM	DCCA
14-175	815-5-130	REGULATIONS UNDER THE ILLINOIS SECURITIES LAW OF 1953	SOS
14-450	815-125-175	ILLINOIS UNION LABEL ACT	SOS
14-460	815-505-450	CONSUMER PROTECTION	AGRI
14-470	815-505-460	BUYERS CLUBS	AGRI
14-475	815-505-470	RETAIL ADVERTISING	AGRI
14-200	815-605-177	MOTOR VEHICLE ADVERTISING	AGRI
56-360	815-705-200	CREDIT SERVICES ORGANIZATION	SOS
56-365	820-55-365	FRANCHISE DISCLOSURE ACT	AGRI
86-300	820-55-360	RIGHT TO PRIVACY IN THE WORKPLACE ACT	LABOR
56-353	820-105-210	STATEWIDE DISPLACED HOMEOWNERS PROGRAM	DCCA
86-210	820-115-300	MINIMUM WAGE LAW	LABOR
56-353	820-130-353	PAYMENT AND COLLECTION OF WAGES OR FINAL COMPENSATION	LABOR
56-250	820-140-210	WHISTLEBLOWER PROTECTIONS	LABOR
56-350	820-205-250	SIX DAY WORK WEEK	LABOR
56-205	820-225-225	ILLINOIS CHILD LABOR LAW	LABOR
4-225	820-305-225	HEALTH AND SAFETY	LABOR
2-2025	820-305-2025	TOXIC SUBSTANCES DISCLOSURE TO EMPLOYEES	LABOR
2-2027	820-305-2027	AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE	IND COM
50-7020	820-305-7020	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	IND COM
50-7040	820-305-7040	QUALIFICATIONS OF ARBITRATORS AND CONDUCT OF ARBITRATORS	IND COM
50-7050	820-305-7050	PRE-ARBITRATION REVIEW	IND COM
		ORAL ARGUMENTS	IND COM

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92-1740	625-5-1740	STANDARDS FOR THE ASSESSMENT OF CIVIL PENALTIES	ICC
92-1815	625-5-1815	COMMON CARRIER BY PIPELINE TARIFFS	ICC
92-2000	625-5-2000	BROKERS LICENSES	ICC
92-2005	625-5-2005	RELATIONSHIPS BETWEEN BROKERS AND CARRIERS OR SHIPPERS	ICC
77-2060	625-5-2060	DRIVING UNDER THE INFLUENCE PROGRAMS	DHS
92-2100	625-5-2100	MOTOR CARRIERS OF PASSENGERS	ICC
50-8010	625-5-8010	MANDATORY VEHICLE LIABILITY INSURANCE	IND COM
92-600	625-32-600	EMPLOYEE COMMUTE OPTIONS	IDOT
92-455	625-35-455	ILLINOIS CYCLE RIDER SAFETY TRAINING RULES	IDOT
17-3010	625-40-3010	ILLINOIS SNOWMOBILE GRANT PROGRAM	DNR
17-3020	625-40-3020	SNOWMOBILE TRAIL ESTABLISHMENT FUND PROGRAM	DNR
17-2030	625-45-2030	BOAT AND SNOWMOBILE REGISTRATION AND SAFETY	DNR
17-2030	625-45-2030	DESIGNATION OF RESTRICTED WATERS IN THE STATE OF ILLINOIS	DNR
17-2070	625-45-2070	CAPACITY PLATES STANDARDS ON VARIOUS WATERVRAFT	DNR
92-562	626-5-562	FREeways AND CONTROL OF ACCESS	IDOT
74-790	705-505-790	COURT OF CLAIMS REGULATIONS	COC
14-400	720-5-400	CHARITABLE SOLICITATION ACT	AGRI
14-0440	720-5-0440	CRIMES AND OFFENSES, IMPERSONATING OFFICER, ADVERTISEMENTS	AGRI
20-1296	720-5-1296	EXEMPT CONVERSION PROCEDURES	DSP
77-2085	720-550-2085	RESEARCH	DHS
77-2075	720-570-2075	SCHEDULE OF CONTROLLED SUBSTANCES	DHS
77-2080	720-570-2080	RESEARCH	DHS
77-3100	720-570-3100	TRIPPLICATE PRESCRIPTION CONTROL PROGRAM	DPR
8-211	720-610-211	CONTROLLED SUBSTANCES ACT	AGRI
2-350	725-210-350	SOIL AMENDMENTS	OSAAP
89-1100	725-240-1100	PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION	AGRI
20-103	730-5-103	PROGRAMMATIC AND FISCAL REQUIREMENTS FOR ADMINISTERING	DOC
20-106	730-5-106	PUBLIC RELATIONS	DOC
20-107	730-5-107	RESEARCH AND EVALUATION	DOC
20-110	730-5-110	RECORDS OF COMMITTED PERSONS	DOC
20-112	730-5-112	REIMBURSEMENT FOR EXPENSES	DOC
20-120	730-5-120	INTERNAL INVESTIGATIONS	DOC
20-205	730-5-205	RULES OF CONDUCT	DOC
20-210	730-5-210	FUNDS OF COMMITTED PERSONS	DOC
20-405	730-5-405	COMMISSARIES	DOC
20-410	730-5-410	SCHOOL DISTRICT #428	DOC
20-415	730-5-415	LEGAL PROGRAMS FOR COMMITTED PERSONS	DOC
20-420	730-5-420	HEALTH CARE	DOC
20-425	730-5-425	ASSIGNMENT OF COMMITTED PERSONS	DOC
20-430	730-5-430	CHAPLAINCY SERVICES AND RELIGIOUS PRACTICES	DOC
20-435	730-5-435	LIBRARY SERVICES AND LEGAL MATERIALS	DOC
20-440	730-5-440	VOLUNTEER SERVICES	DOC
20-445	730-5-445	COMMITTED PERSONS' BUSINESS VENTURES	DOC
20-450	730-5-450	COMMITTED PERSONS' ORGANIZATIONS	DOC
20-455	730-5-455	WORK RELEASE PROGRAMS	DOC
20-501	730-5-501	IMPACT INCARCERATION PROGRAM	DOC
20-502	730-5-502	SECURITY	DOC
20-503	730-5-503	SAFETY, MAINTENANCE AND SANITATION	DOC
20-504	730-5-504	CLASSIFICATIONS AND TRANSFERS	DOC
20-525	730-5-525	DISCIPLINE AND GRIEVANCES	DOC
20-530	730-5-530	RIGHTS AND PRIVILEGES	DOC
20-535	730-5-535	AUTHORIZED ABSENCES	DOC
20-540	730-5-540	PERSONAL PROPERTY	DOC
20-701	730-5-701	OUT-OF-STATE EMPLOYMENT	DOC
20-702	730-5-702	COUNTY JAIL STANDARDS	DOC
20-703	730-5-703	COUNTY JUVENILE DETENTION STANDARDS	DOC
		COUNTY SHELTER CARE STANDARDS	DOC



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50-7060	820-305:7060	JUDICIAL REVIEW	IND COM
50-7070	820-305:7070	SETTLEMENT CONTRACTS AND LUMP SUM PETITIONS	IND COM
50-7080	820-305:7080	ATTORNEY'S FEES	IND COM
50-7090	820-305:7090	DISCIPLINING OF ATTORNEYS; AGENTS	IND COM
50-7110	820-305:7110	MISCELLANEOUS	IND COM
50-7120	820-305:7120	ANTI-CORRUPTION RULE	IND COM
50-7130	820-305:7130	HEARING LOSS GUIDELINES	IND COM
50-7500	820-305:7500	COMMISSION REVIEW BOARD PROCEDURES	IND COM
50-7010	820-310:7010	ACCIDENT REPORTING	IND COM
50-7030	820-310:7030	ARBITRATION	IND COM
50-7100	820-310:7100	INSURANCE REGULATIONS	IND COM
02-1301	820-405:1301	FREEDOM OF INFORMATION	IDES
56-2712	820-405:2712	GENERAL APPLICATION DCCA	IDES
56-2714	820-405:2714	INTERSTATE AND FEDERAL COOPERATION	IDES
56-2720	820-405:2720	CLAIMS, ADJUDICATION, APPEALS AND HEARINGS	IDES
56-2725	820-405:2725	ADMINISTRATIVE HEARINGS AND APPEALS	IDES
56-2730	820-405:2730	WAGES	IDES
56-2732	820-405:2732	EMPLOYMENT	IDES
56-2760	820-405:2760	NOTICES, RECORDS AND REPORTS	IDES
56-2765	820-405:2765	PAYMENT OF UNEMPLOYMENT CONTRIBUTIONS	IDES
56-2770	820-405:2770	DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS	IDES
56-2790	820-405:2790	COLLECTION OF UNEMPLOYMENT CONTRIBUTIONS	IDES
56-2815	820-405:2815	EMPLOYEE'S GENERAL RIGHTS AND DUTIES	IDES
56-2830	820-405:2830	PAYMENT OF BENEFITS	IDES
56-2835	820-405:2835	RECOVERY OF BENEFITS	IDES
56-2840	820-405:2840	CLAIMANT'S REASON FOR SEPERATION FROM WORK	IDES
56-2865	820-405:2865	CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK	IDES
56-2905	820-405:2905	ALIEN STATUS	IDES
56-2910	820-405:2910	ATHLETES	IDES
56-2915	820-405:2915	ACADEMIC PERSONNEL	IDES
56-2920	820-405:2920	DISQUALIFYING INCOME AND REDUCED BENEFITS	IDES
56-2960	820-405:2960	GENERAL PROVISIONS	IDES

Rules acted upon during the quarter of January 1 through March 31, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED**

1-100-12	32-331-3	68-1150-11	92-1040-12
2-651-2	32-420R-7	68-1220-4	
8-755-4	32-422-7	68-1230-11	<b>ADOPTED</b>
11-204-11	32-610R-3	68-1247-8	2-926-2
11-1318-2	35-183R-1	68-1252-7	8-600-2
11-1770-3	35-190R-2	68-1275-6	8-1400-7
14-135-6	35-195R-2	68-1285-8	11-314-4
14-180-2	35-215-8	71-40-11	11-315-4
14-500-2	35-218-2	74-730-2	11-317-4
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